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ORIGIN
AND
CONCLUSION
OF
THE PARIS PACT

The Renunciation of War as an Instrument of National Policy

DENYS P. MYERS

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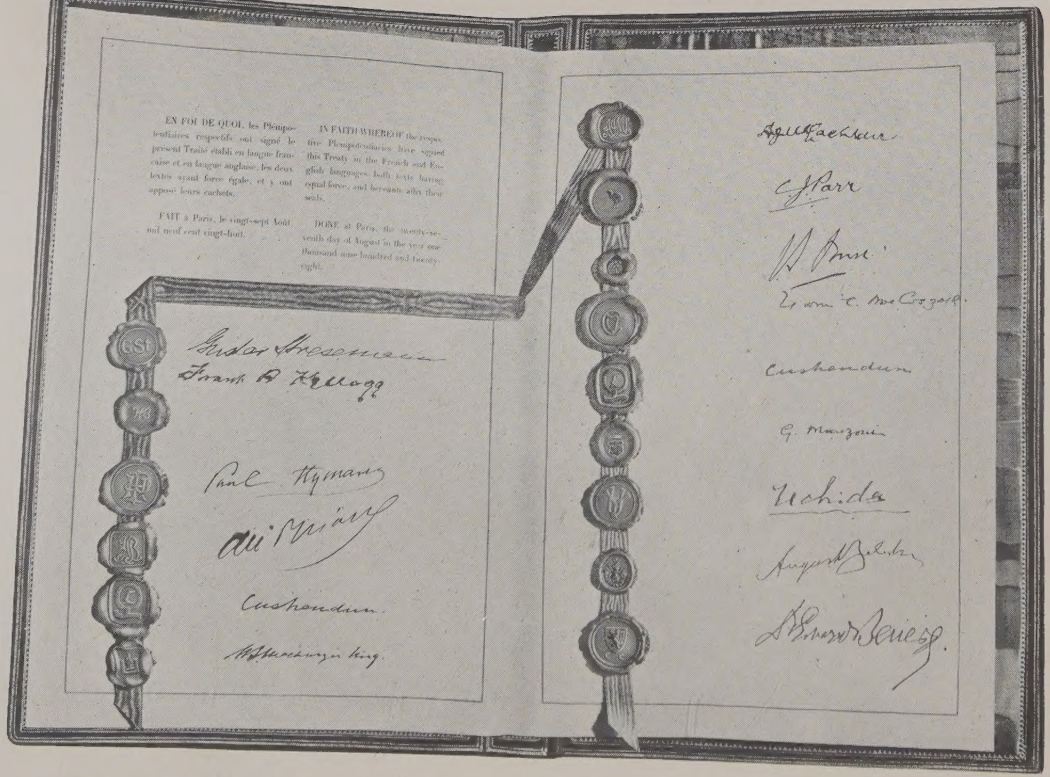
EN FOI DE QUOI, les Plénipotentiaires respectifs, ont signé le présent Traité établi en langue française et en langue anglaise, les deux textes ayant force égale, et y ont apposé leurs cachets.
FAIT à Paris, le vingt-sept Août, mil neuf cent vingt-huit.
IN FAITH WHEREOF the respective Plenipotentiaries have signed this Treaty in the French and English languages, both texts having equal force, and hereunto affix their seals.
DONE at Paris, the twenty-seventh day of August in the year one thousand nine hundred and twenty-eight.
Frank B. Kellogg
Cushendun
Aristide Briand
Cushendun
G. Manzoni
Yachida

The signature pages of the Treaty deposited in the archives of the Department of State, Washington, D. C.

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By DENYS P. MYERS
Director of Research, World Peace Foundation

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ORIGIN AND CONCLUSION OF THE PARIS PACT

THE RENUNCIATION OF WAR AS AN INSTRUMENT OF NATIONAL POLICY

By Denys P. Myers

I. EFFORTS TO LIMIT THE WAR POWER

The treaty for the renunciation of war, which is popularly referred to both as the Briand-Kellogg pact after its coauthors and as the Paris pact from the place of its signature, entered into force on July 24, 1929. The ceremony of depositing the ratifications of the 15 signatory states and the documents of adhesion of 31 adhering states, by a single formality, made the treaty effective between the 46 countries of the world. No ceremony in history has ever served in a given moment to bind so many of the Governments of the world to a specific standard of conduct.

In addition to the 46 states placing themselves under the treaty on that date, 16 more countries had then signified their intention to adhere to the treaty, which was in various stages of legal adoption by them.

By the treaty, the contracting parties renounce war as an instrument of national policy in their mutual relations, condemn recourse to war as a means of solving international controversies, and agree that the settlement of all disputes of whatsoever kind "which may arise among them" — which includes disputes arising between them — shall never be sought except by pacific means. The treaty

contains no provision for its abrogation or for the withdrawal of any party. Its engagements must, therefore, be regarded as a permanent contract, without time limit among and between the contracting parties. As an operative contract, the treaty addresses itself to national policy, and it forecasts an obligation of the contracting parties to provide adequate machinery to realize the agreement never to seek the settlement or solution of disputes by other than pacific methods.

The treaty had its origin in a proposal for a bilateral treaty made by the French to the United States Government on June 10, 1927. A response to that suggestion proposing a general multilateral engagement was not made until December 28, 1927. The active negotiations for the treaty, which on July 24, 1929, entered into force for 46 nations, required 242 days from the first American note to the signing of the document at Paris on August 27, 1928. From the signing to the entrance in force an additional 331 days elapsed. From the original proposal to entrance into force, the whole matter was completed within a period of 25½ months.

As international affairs go, the speed of a negotiation of such magnitude is a significant feature of it. This circumstance directs attention to the conditions which had come to exist in world polity at the time when the negotiation was undertaken and which created a foundation from which it proceeded.

Until just before the outbreak of the World War, no legal limitation upon a state's resorting to war existed, except the 1907 Hague convention limiting the employment of force for the recovery of contract debts.[1] In 1913, Secretary of State William J. Bryan of the United States began the negotiation of a series of treaties providing for the investigation and report by an international commission of disputes not actually submitted to arbitration. By these

[1] The convention was ratified or adhered to by Austria-Hungary, China, Denmark, France, Germany, Great Britain, Guatemala, Haiti, Japan, Liberia, Mexico, Netherlands, Nicaragua, Norway, Panama, Portugal, Russia, Salvador, Spain, United States.

treaties, of which 31 were signed and 21 came into force, the pairs of states parties to them "agree not to declare war or begin hostilities during such investigation and report." Further, by these treaties a period of one year was allowed for the preparation of the report. The "cooling-off period" thus provided for had a profound effect upon consideration of peace problems immediately preceding and during the World War.

This principle of a period in which parties were not at liberty to resort to war was incorporated into the machinery of the Covenant of the League of Nations for the pacific settlement of international disputes. This is expressed in Art. 12 of the Covenant by which Members of the League agree that they will submit any dispute likely to lead to a rupture to some form of pacific settlement — arbitration, judicial settlement or inquiry by the Council. They further agree "in no case to resort to war until three months after" the result of such submission is known. It is provided that a report by the Council may be expected within six months after the submission of the dispute. No precise time is specified for the award of the arbitrators or the judicial decision. The Covenant of the League of Nations for the states Members of it, therefore, had the effect of renouncing war for a minimum period of nine months.[1]

Members of the League agree "that they will not resort to war against a Member of the League which complies" with an arbitral award or judicial decision. If a matter is submitted to the Council, they agree that they will not go to war with any party to a dispute which complies with the recommendations of the Council's report, provided the report itself was unanimously agreed to by the Members of the Council other than the representatives of one or more parties to the dispute.

As a result of the Covenant of the League of Nations

[1] As a matter of fact, the periods have not proved limitative in practice. The article of the Covenant refers to the dispute as submitted. In the very elastic procedure of the Council, the disputes before it have invariably assumed various aspects, which have been successively examined. Thus, Lithuanian-Polish relations have been before the Council literally for years at a time.

coming into force, therefore, its Members — now 54 in number — agree not to resort to war:

(*a*) While a dispute is being considered by a chosen method of pacific settlement;

(*b*) Against a party which has complied with the conclusions of the chosen method of pacific settlement.

The fulfilment of these agreements reduces the possibility of a Member state employing war as an instrument of national policy.

The makers of the Covenant further provided that the agreement to submit disputes to pacific settlement and to abide by the decision of the forum chosen were a matter of general concern. Art. 16, referring to the stipulations above mentioned, states: "Should any Member of the League resort to war in disregard of its covenants under Arts. 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League." This provision assumes a collective interest in the application by Member states of methods of pacific settlement to their international relations. In consequence of the "act of war" evidenced by disregard of the agreements in the three articles, the other states "undertake immediately" to subject the recalcitrant to a complete severance of trade and intercourse with other nations. It is contemplated that armed forces might be required to render this provision effective.

The Problem of Sanctions

These sanctions have attracted a great deal of attention inside and outside of the League. In 1920, the First Assembly [1] adopted a resolution to study what was then called the "economic weapon" of the League, and in June, 1921, the Council appointed the International Blockade Commission [2] for this purpose. The meetings of this commission were reported to the Second Assembly, which passed a series of interpretative resolutions intended

[1] *Records of the First Assembly, Plenary Meetings*, p. 407.

[2] *Official Journal*, II, p. 435.

to serve as a guide to states called upon to put Art. 16 into effect.[1]

By these resolutions, the Assembly determined that "the unilateral action of the defaulting state can not create a state of war," so that Members of the League were entitled to resort to acts of war against the defaulter without creating that legal condition. This situation is obviously different in character from any previously recognized methods of hostile redress. The resolutions declared that it was for each Member of the League to decide "whether a breach of the Covenant has been committed," calling attention to the fact that Members can not neglect duties under the Covenant "without breach of their treaty obligations." Any Member of the League can secure the urgent convening of the Council to examine an alleged breach of Art. 16, and its decision inevitably would be the basis upon which Member states would determine their own duties in the premises. The Council, in reaching its decision, shall summon the representatives of the parties to the conflict and of states (1) which are neighbors of the defaulting Member, (2) which normally maintain close economic relations with it or (3) whose cooperation would be especially valuable. An amendment to Art. 16, recommended at the same time, stipulated that the votes of Members of the League alleged to have resorted to war and of Members against whom such action was directed should not be counted in the Council vote. Determination of a breach of the Covenant would be accompanied by a statement of reasons and an invitation to Members of the League to take action. Care is taken in the resolutions to discourage drastic action at the outset, when the interruption of diplomatic relations might be limited to the withdrawal of the heads of missions, while consular relations might be maintained. "In cases of prolonged application of economic pressure, measures of increasing stringency may be taken." [2]

[1] *Records of the Second Assembly, Plenary Meetings*, p. 450, 803; *Third Committee*, p. 380.

[2] *Official Journal*, VIII, p. 840.

The Second Assembly's study of the problem inherent in implementing Art. 16 resulted in the formulation of four amendments to the article. Three of these consisted of paragraphs to be inserted in the article following the first paragraph. These made the functions of the Council in determining a breach of the Covenant more precise.[1]

Another amendment has both a prior and subsequent history. By the original article, Members of the League undertake "the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state." In the long and bitter controversy respecting the treaty of Versailles in the Senate of the United States in 1919 and 1920, the substance of Art. 16 was not at all called into question. The critical scrutiny to which the entire Covenant was subjected, however, directed the attention of the Senate to the fact that the phrase quoted above might literally be construed to enjoin a state to prohibit intercourse between its own nationals and nationals of the covenant-breaking state resident outside of that state.[2]

It was decided by the Second Assembly that this language required clarification in both parts of the defining clause of the article. By the amendment, the prohibition of inter-

[1] The amendments read:

"It is for the Council to give an opinion whether or not a breach of the Covenant has taken place. In deliberations on this question in the Council, the votes of Members of the League alleged to have resorted to war and of Members against whom such action was directed shall not be counted. (30 ratifications, 8 signatures.)

"The Council will notify to all Members of the League the date which it recommends for the application of the economic pressure under this article. (30 ratifications, 8 signatures.)

"Nevertheless, the Council may, in the case of particular Members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimize the loss and inconvenience which will be caused to such Members." (29 ratifications, 10 signatures.)

[2] The reservation as brought to a vote in resolutions of ratification on November 19, 1919, and on March 19, 1920, read:

"11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking state, as defined in Art. 16 of the Covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking state, to continue their commercial, financial and personal relations with the nationals of the United States."

course was to run "between persons residing in their territory and persons residing in the territory of the covenant-breaking state." [1] Subsequently, it was felt that this language was not sufficiently adequate, and the amendment of October 4, 1921, was further amended on September 27, 1924, so as to effect a prohibition of intercourse "at least between persons resident within their territories and persons resident within the territory of the covenant-breaking state and, if they deem it expedient, also between their nationals and the nationals of the covenant-breaking state." [2]

While none of these amendments has come into force, the first of the series of resolutions of the Assembly declared that both the resolutions and the proposals for amendment were to "constitute rules for guidance which the Assembly recommends, as a provisional measure, to the Council and to the Members of the League." [3] The Council on January 10, 1922,[4] informed Members of the League that it "will certainly be guided by the rules recommended by the Assembly, so far as they relate to the Council's action."

When the Preparatory Commission for the Disarmament Conference met in May, 1926, it had before it a series of questions of which two related to Art. 16. One concerned "the degree of security which, in the event of aggression, a state could receive under the provisions of the Covenant." The other raised the question whether reduction of armament can be promoted "by examining possible means for insuring that the mutual assistance, economic and military, contemplated in Art. 16 of the Covenant shall be brought quickly into operation." The result of the raising of these questions was an extensive study of their implications and an excellent and elaborate report to the Preparatory Com-

[1] When this amendment was retired it had been ratified by 26 states, and 14 in addition had signed it.

[2] Five ratifications, 11 signatures.

[3] *Reports and Resolutions on the Subject of Art. 16 of the Covenant*, p. 42 (A. 14. 1927. V. 15); *Official Journal*, VIII, p. 840.

[4] *Official Journal*, III, p. 121; *Reports and Resolutions*, p. 44.

mission.[1] In consequence, the Council on December 8, 1926, requested the Secretary-General:

(*a*) To collect all the documentation regarding the economic and financial relations involved in the application of Art. 16; [2]

(*b*) To ask the Financial Committee to develop "a common scheme of financial assistance in support of a state which is the victim of aggression;" [3]

(*c*) To study the legal position due to "enforcing in time of peace the measures of economic pressure indicated in Art. 16, particularly by a maritime blockade;"

(*d*) To study "legislation calculated to make it easier for states to apply economic sanctions." [4]

Respecting the problem of a maritime blockade, the report [5] from the Secretariat examined the conditions existing as to a covenant-breaking state, as to Members of the League in general and as to third states. The measures of coercion contemplated in Art. 16 "did not legally establish a relation of war between the states concerned." If they are not intended to create that condition and are not regarded by the state to which they are applied as creating a state of war, it is pointed out that the aggressor state would not certainly consider the application of sanctions as a *casus belli* and that other Members of the League would each maintain the faculty of not considering itself formally at war.

The position as regards third states was very carefully analyzed, since with regard to a state not a Member of

[1] *Reports and Resolutions*, p. 60.

[2] This is printed in the *Reports and Resolutions* as cited.

[3] The scheme, which was prepared by the Financial Committee, was considered by the 1928 Assembly. It involves the deposit by Members of the League of general guaranty bonds to be exchanged for specific guaranty bonds in the event of a state requiring assistance. These specific guaranty bonds would serve as security for an international loan in favor of the state which was the victim of aggression and which required assistance. For the scheme see Document A. 10. 1929. II. 14. For replies of Estonia, India, Poland, Siam, see *Official Journal*, VIII, p. 797, 1549; IX, p. 328.

[4] For replies of South Africa, Australia, Belgium, British Government, China, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, India, Irish Free State, Italy, Luxemburg, Norway, New Zealand, Netherlands, Nicaragua, Salvador, Siam, Sweden, Switzerland, Germany, Austria, Poland, see *Official Journal*, VIII, p. 694, 968, 1042, 1548; IX, p. 327.

[5] *Reports and Resolutions*, p. 83; *Official Journal*, VIII, p. 834.

the League, "the most delicate legal questions will arise in connection with application of economic sanctions, particularly if they are applied without declaration of a state of war against the aggressor state." The various conditions which might arise are identified, stress being laid upon the possibility that non-Members of the League might "recognize such adaptation of the traditional rules of international law as experience may show them to be necessary to render the application of Art. 16 effective," even if their active cooperation is not secured. It is pointed out "that, in acting under Art. 16, the Members of the League are not asserting or defending their own selfish interests but, at the cost of loss and inconvenience to themselves, are carrying out a treaty obligation designed to maintain the peace of the world by enforcing pacific settlement of international disputes," in the success of which "the peaceful third state may itself be considered to have an interest."

Respecting measures taken outside the territorial jurisdiction of Members of the League, it is pointed out that third states might in fact "acquiesce in the application of the pacific blockade to their own ships." Historically, refusal to recognize a pacific blockade has led to the formal declaration of a state of war. "A third state would incur a great moral responsibility," if its policy should force this development. That responsibility and an insistence upon the rights of a neutral would be emphasized by the fact that the Members of the League would make clear "at all times their willingness to secure immediate peaceful settlement of the questions at issue."

It can be seen from these attempts that Art. 16 has to no considerable extent been as yet defined. On the other hand, no occasion for its application has occurred.

The Forestalling of War

The tendency among Members of the League of Nations has been toward the conclusion of the memorandum of the Committee on Arbitration and Security, that, "in order

to facilitate the application of Art. 16 in case of need, it is necessary to make a full and conscientious use of the other articles of the Covenant and especially of Art. 11." [1]

Art. 11 contains the most far-reaching possibilities for the securing of peace of any article in the Covenant. The provisions of Arts. 12–16 indicate methods for settling international disputes and for insuring their application. Art. 11 declares:

(1) That it is "the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends"; and

(2) That "any war or threat of war, whether immediately affecting any Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

The study of the peace possibilities of these provisions by the Preparatory Commission for the Disarmament Conference and the Committee of the Council "showed that Art. 11 afforded many more resources for the settlement of disputes and the assurance of peace than had at first been thought." [2] A resolution of the Ninth Assembly defined the position as follows:

. . . That the action to be taken by the Council under Art. 11 and other articles of the Covenant in the case of a conflict will provide it with important elements of appreciation likely to facilitate the determination of the aggressor in the event of war breaking out in spite of every effort;

Considers that the study of Art. 11 . . . brings into prominence the fact that the League's first task is to forestall war, and

[1] *Documents of the Preparatory Commission for the Disarmament Conference*, Series VI, p. 158 (C. 165. M. 50. 1928. IX. 6). (It is also C. A. S. 10, par. 213.)

[2] Louis de Brouckère, Representative of Belgium, *Records of the Eighth Session of the Assembly, Plenary Meetings*, p. 158.

that in all cases of armed conflict or of threats of armed conflict, of whatever nature, it must take action to prevent hostilities or to stop hostilities which have already begun.

Two other phases of development have had a bearing upon securing a practical definition of Arts. 11 and 16 of the Covenant. The attempts to work out a definition of aggression have not succeeded, but there is general agreement among Member states of the League that an instance of aggression can be identified if it occurs, even though it eludes expression in a definition fixed in advance.

The German Government in 1927 felt that the means for preventing war could be strengthened. Its delegation to the Committee on Arbitration and Security proposed that a special treaty be drafted to prevent prejudicial acts occurring while a dispute was under consideration by the Council, in order to discourage the breaking out of hostilities or the aggravation of conditions of tension between the disputants. A model treaty to this effect was drawn up by the third committee of the Ninth Assembly and recommended for consideration by Members and non-Members of the League in a resolution of September 20, 1928.[1]

Previously the Council had on June 7, 1928, taken a decision in the same direction. It directed the Secretary-General to request any states bringing a matter before the Council to conform to a practice phrased in the following terms:[2]

The Council considers that, when a question has been submitted for its examination, it is extremely desirable that the Governments concerned should take whatever steps may be necessary or useful to prevent anything occurring in the respective territories which might prejudice the examination or settlement of the question by the Council.

[1] Rumania has announced its readiness to conclude the treaty with Members or non-Members of the League. For the text, see *Resolutions and Recommendations of the Assembly, . . .* 1928, p. 58 (*Official Journal*, Spec. Supp. No. 63).

[2] *Official Journal*, IX, p. 909–910.

Aggressive War Called a Crime

The change of mind which has taken place with respect to the power of states to go to war can be best indicated by a brief review of the different approaches to the problem which the states have made. As the majority of countries are Members of the League of Nations, the obligations of Arts. 11 and 16, just described, have exercised a continuous influence in these developments. Under Art. 8 of their Covenant, Members of the League recognize "that the maintenance of peace requires the reduction of armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations." The First Assembly in 1920 was unwilling to leave the determination of an agreement under this provision to military and naval experts. It, therefore, called for a temporary commission "composed of persons possessing the requisite competence in matters of a political, social and economic nature to prepare proposals." [1]

The studies of this commission resulted in the draft of a treaty of mutual assistance, which was intended to facilitate the application of Arts. 10 and 16 of the Covenant. Art. 1 [2] of this proposal declared "that aggressive war is an international crime," and the parties to it would "undertake that no one of them will be guilty of its commission." This proposal was worked out in much detail and attached to it was a commentary dealing with the definition of what constitutes aggression.

The draft treaty was submitted to Governments for their consideration and for the communication of their views concerning it. Altogether, 29 states replied.[3] Of these, about half were in favor of accepting the text. The United States in its reply on the draft treaty stated that "it is quite

[1] *Resolutions Adopted by the Assembly . . .* 1920, p. 31 (*Official Journal*, Spec. Supp. No. 5).

[2] *Records of the Fourth Assembly, Plenary Meetings*, p. 403 (*Official Journal*, Spec. Supp. No. 13).

[3] *Records of the Fifth Assembly, Meetings of the Committees, Minutes of the Third Committee*, p. 129.

apparent that its fundamental principle is to provide guaranties of mutual assistance and to establish the competency of the Council of the League of Nations with respect to the decisions contemplated, and, in view of the constitutional organization of this Government and of the fact that the United States is not a Member of the League of Nations, this Government would find it impossible to give its adherence." In general, the objections to the text revolved around the difficulty of determining what action would constitute aggression; the feeling of some states that they would be called upon to bear the brunt of any action contemplated, and the feeling of others that their security did not require special provisions for its insurance.

In July–August, 1924, Premiers Edouard Herriot of France and J. Ramsay MacDonald of Great Britain had taken an important part in bringing into existence the reparation régime which is popularly known as the Dawes Plan. One of the features of the agreements which brought about that result was the application of arbitration to all questions which might develop into a dispute.[1] The two premiers were impressed with the success they had thus achieved. In eloquent addresses in the Fifth Assembly of the League, which both of them attended as heads of their delegations, they analyzed the situation and each emphasized the efficacies of arbitration, in the general sense, as a means of insuring the conditions of justice which would produce security and make reduction of armament possible.

[1] The circumstances resulting in the adoption of arbitration at 19 critical points in the reparation settlement are interesting. M. Herriot was at the British Prime Minister's country place, Chequers Court, June 21–22, 1924. They discussed the outstanding difficulties. M. Herriot asked whether the determination of a German default would be by majority or unanimously. "It is difficult," said he, "to admit that the vote of a single nation, less interested than others in reparation, might block everything." To his British interlocutor the argument cut both ways, since a Government could not be expected to support a decision which it had voted against. Finally, the Englishman concluded: "We could say in advance that, if difficulties occur, we shall find their solution by submitting them to an international court which would determine in accordance with its own rules whether it would decide by majority or not. The effect would be the same as submitting the affair to arbitration. If the decision is against me, I nevertheless yield. That is especially so if the court has a strictly judicial character, but a simple majority by a political organ could not be accepted." The application of arbitration thus served a very practical purpose. (For the full conversation see "Une Nuit Chez Cromwell" par Georges Suarez. *La Revue de France*, January 15, 1929.)

The substance of their addresses was that the full possibilities of the obligations of the Covenant "in relation to the guaranties of security which a resort to arbitration and a reduction of armaments may require" had not been exhausted. On September 6, 1924, the Fifth Assembly adopted a resolution to refer the triple problem of "arbitration, security and disarmament" to two of its committees with the double purpose of strengthening "the solidarity and security of the nations of the world by settling by pacific means all disputes which may arise between states" and of making possible an international conference upon armament at the earliest possible moment.

"Arbitration, Security, Reduction of Armament"

The result of the deliberations of the 51 states represented in that Assembly was the adoption on October 2, 1924, of the text of the Protocol for the Pacific Settlement of International Disputes,[1] the acceptance of which the Assembly recommended to all Members of the League.

The Geneva protocol was intended to "close the fissures in the Covenant." Technically, Arts. 12, 13 and 15 of the Covenant, which provided for pacific settlement of international disputes, did not fully exclude war. By Art. 12, Members agree to submit any dispute likely to lead to a rupture to arbitration, judicial settlement or inquiry by the Council, and they agree not to resort to war until three months after the result of the reference is known. As six months is suggested as a period within which a report shall be made, there is no violation of it in resorting to war after a total conceivable period of nine months. This condition is even more precise with respect to inquiry by the Council — which is substantially a procedure of conciliation — by the provisions of Art. 15. Pars. 4, 5, 6 and 7 of this article define possible conditions of its failure. If the Council does not succeed in settling a dispute, but the report is unanimously agreed to by all Members of the

[1] *Records of the Fifth Assembly, Plenary Meetings*, p. 498.

Council, except one or more representatives of the parties to the dispute, the Members agree not to go to war with a disputant which complies with the recommendations of the report. The publication of the report is mandatory, and the provisions contemplate that public knowledge of it will have a distinctly mollifying effect. If the dispute does not result in such a unanimous report "the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice." Under these provisions what may be termed a legal war is conceivable. The states concerned did not in 1924 have in mind in that connection the provision of Art. 11 by which "the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations" in the face of "any war or threat of war."

The protocol laid down a detailed procedure by which any dispute, which exceeded the scope of these provisions, might still be subject to methods of solution.

Par. 8 of Art. 15 provides that any question found by the Council to fall within the "domestic jurisdiction" of a Member shall not be dealt with by the Council. Such a question might nevertheless be the cause of very tense relations between states. The protocol attempted to close this "fissure," so far as it related to a dispute as distinct from the substance of the difference. If it were claimed that a matter was solely within the domestic jurisdiction of a state, the Permanent Court of International Justice might be asked for an opinion. If the Court held that the matter was one of domestic jurisdiction, this decision was not to prevent consideration of the "situation" under Art. 11 of the Covenant.

The treaty of mutual assistance had been criticized because it had not taken into account the available methods of pacific settlement. Its Art. 1 had referred to pacific settlement as a test of the aggressive character of a war only in terms of the Covenant provisions already described. The Geneva protocol sought to establish a criterion of

aggression on the basis of a draft submitted to the League by a group of Americans.[1] The protocol did not attempt to define an aggressor, but it set up criteria for identifying one. The presumptions applicable to this determination were (1) refusal to submit a dispute to the procedure of pacific settlement as defined in the Covenant, (2) violation of provisional measures enjoined by the Council while the dispute was under consideration, or (3) refusal to accept an armistice.

The protocol sought to give definiteness to the conditions under which Art. 16 of the Covenant should be applied. The rules for the determination of aggression were regarded as affording a basis for creating an obligation to apply sanctions. Signatory states were to agree that the standards laid down in the protocol would obligate them to apply the provisions of Art. 16. As a consequence, the protocol dealt in some detail with the methods of bringing that article into operation under the given conditions.

The Geneva protocol was a landmark in the development of postwar policy. Its production and passage by the Fifth Assembly of the League in 1924 was accompanied by an unwonted enthusiasm on the part of the responsible statesmen concerned with it. Having been worked out and accepted by the representatives of 51 states, it was not unreasonable to expect its general acceptance by the home Governments, from which the Geneva delegates had their instructions. The convening of a disarmament conference was conditioned upon the entrance of the protocol into force. Preparations for such a conference were immediately begun.

Geneva Protocol Fails

The protocol had been immediately signed on behalf of 18 states, and it was planned at the meeting of the Council in December, 1924, to push forward the program based upon it. In Great Britain, the MacDonald cabinet was suc-

[1] *Records of the Fifth Assembly, Meetings of the Committees, Minutes of the Third Committee*, p. 169 (*Official Journal*, Spec. Supp. No. 26).

ceeded by the Baldwin cabinet on November 4, 1924. At the Council meeting the following month the British Government requested the postponement of the discussion to a later session "when they will have been able to give to it the close attention which its great importance necessitates." [1]

On March 12, 1925, Sir Austen Chamberlain read a statement to the Council declining to accept the protocol.[2] In general, it was stated that the British Government, the self-governing dominions and India "see insuperable objections to signing and ratifying the protocol in its present shape." This statement was based upon opposition in two respects. The British Government was not convinced that it was a defect in the Covenant "that international differences might conceivably take a form for which the peace-preserving machinery provided no specific remedy." It further objected to "sharpening the sanctions."

Respecting this point, Sir Austen Chamberlain mentioned the fact that the United States was bound neither by the Covenant nor the protocol and that the original conception of the economic sanction, "in the most improbable event of its use being necessary," was completely changed "by the mere existence of powerful economic communities outside the limits of the League." There was no presumption under these circumstances that the offending state "would be crushed or even that it would suffer most." The effect of the protocol upon the mobility of sea forces was especially dealt with.

Sir Austen Chamberlain finally criticized the protocol because it was all-inclusive. It was the "extreme cases" where states felt insecurity which created "the brooding fears that keep huge armaments in being," and which "have little relation to the ordinary misunderstandings inseparable from international (as from social) life." The British Government concluded "that the best way of dealing with the situation is, with the cooperation of the League, to

[1] *Official Journal*, VI, p. 128.
[2] *Ibid.*, p. 446.

supplement the Covenant by making special arrangements in order to meet special needs." These arrangements would be purely defensive in character, would be framed in the spirit of the Covenant, would be operated in harmony with the League and under its guidance, and would be between the nations most immediately concerned and whose differences might lead to a renewal of strife.

The British pronouncement created a deep impression, without inspiring general agreement. Nevertheless, it was recognized that the opposition of the British Empire and other states to "stiffening the Covenant" made the realization of the protocol itself impossible.

Effects of Locarno

The month before the Chamberlain statement was made, a proposal along the lines of its conclusion had been made by Germany. On February 9, 1925, Herr Stresemann had proposed a pact by which the states interested in the Rhine should enter into a solemn obligation not to wage war against each other and should make this engagement in connection with a comprehensive arbitration treaty. This proposal culminated in the agreements initialed at Locarno on October 16, 1925, which entered into force on September 14, 1926. At the time, the treaty of mutual guaranty of the Rhine demilitarized zone attracted the most attention. In subsequent developments, the provisions for pacific settlement have been most fruitful.

The Locarno Conference was intended "to bring about a moral relaxation of the tension" between the parties concerned. The agreements consisted of a treaty of mutual guaranty between Germany, Belgium, France, Great Britain and Italy, by which the demilitarized zone of the Rhine is guaranteed and Germany and Belgium and Germany and France "undertake that they will in no case attack or invade each other or resort to war against each other," except for "exercise of the right of legitimate defense" or action in pursuance of the Covenant of the League of Nations. There are arbitration conventions between

Germany and Belgium and Germany and France and arbitration treaties between Germany and Poland and Germany and Czechoslovakia.

Three other documents completed the Locarno agreements. One was a collective note to Germany in which the other parties stated that Art. 16 of the Covenant of the League "must be understood to mean that each state Member of the League is bound to cooperate loyally and effectually in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account." The other two documents were identic treaties of France with Poland and Czechoslovakia respectively, by which the parties agree that, if either of them should suffer from a failure to observe the undertakings arrived at with Germany, they reciprocally "undertake to lend each other immediately aid and assistance, if such a failure is accompanied by an unprovoked recourse to arms."

The significance of the Locarno agreements was that the historical advantage of the Rhine as a "spring-board" for military attack was foresworn, the parties chiefly concerned placing themselves under the obligation of leaving all their disputes to pacific settlement, and their engagements being guaranteed by themselves and also by Great Britain and Italy. In addition, Germany's neighbors on the east, Czechoslovakia and Poland, entered into mutual engagements with Germany to settle all their differences pacifically and, with the approval of Germany, accepted reciprocal engagements with France to maintain the general peace.

All the parties to these agreements were keenly aware of the extent to which they were calculated to eliminate the tension which had existed. All of them attributed this result to the application of pacific settlement to the problem, within the framework of the League of Nations. It is that element in the settlement which became the basis of development.

The insecurity felt on both sides of the Rhine emphasized the Locarno agreements as the model for solving any such problem that might exist elsewhere. The treaty of mutual guaranty in Art. 1 provides for the maintenance of the demilitarized zone, without implying that it is liable to attack from either side. By Art. 2, the border states — Germany and Belgium and Germany and France — "mutually undertake that they will in no case attack or invade each other or resort to war against each other." By Art. 3, and in view of the foregoing undertaking, the parties "undertake to settle by peaceful means . . . all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy." The arbitration conventions and treaties specify that any question with regard to which the parties are in conflict as to their respective rights shall be submitted to judicial decision and that all other questions shall go to a conciliation commission.

The success of the Locarno agreements was finally clinched by the admission of Germany into the League of Nations on September 8, 1926, which act had as one of its consequences the bringing of the agreements into force. Even before that date, a policy of appeasement had been in vogue both in Paris and Berlin,[1] and the spectacle of the

[1] During the Seventh Assembly of the League of Nations, M. Briand and Herr Stresemann, the French and German foreign ministers, went to the little town of Thoiry on September 17, 1926, for a luncheon discussion. "It was necessary," M. Briand has said, "to envisage all the problems existing between the two countries; to bring ourselves to draw from the Locarno pact its full possibilities; to dissipate the dangerous points of friction between the two countries." As to the security of France, M. Briand told Herr Stresemann, "so long as you refuse to bring about certain conditions in the field of disarmament, our conversations will be fruitless. Secure, then, that immediately the recommendations of the Conference of Ambassadors should be put into effect." M. Briand adds: "M. Stresemann replied that he would do it; and he did it."

Herr Stresemann spoke of the occupation of the Rhineland. M. Briand recalled that the Locarno agreements were within the framework of the treaty of Versailles. Herr Stresemann replied that he would seek from experts the means for Germany to free itself in advance of the treaty stipulations either by anticipated payments or by commercialization of the reparation debts.

In 1928, M. Briand and Chancellor Müeller met at Geneva. The latter asserted, "Germany can require the immediate evacuation of the Rhineland. That is my legal position." France denied this, but its spokesman added: "Shift your ground a bit; give up the legal plan; proceed with a political plan. It will perhaps be the means of finding a solution." (Speech in the French Chamber, Dec. 4, 1928.)

two traditional enemies reaching agreement and concerting policy without dependence upon their military potentialities attracted world-wide attention. Governments throughout the world were quick to realize the possibilities of what amounted to a new technique: The specific settlement of political differences, insured by all-inclusive pacific settlement arrangements to apply to their future difficulties.

Growth of Pacific Settlement

The Assembly of the League in September, 1925, had called for an examination of pacific settlement treaties in order to determine "the progress in general security brought about by such agreements." This *Systematic Survey* [1] was available for consideration by the Assembly in 1926 and the delegates of the states found in the texts no formula superior to that of Locarno. The Seventh Assembly, therefore, asserted in a resolution "that the general ideas embodied in the clauses of the treaties of Locarno, whereby provision is made for conciliation and arbitration and for security by the mutual guaranteeing of states against any unprovoked aggression, may well be accepted among the fundamental rules which should govern the foreign policy of every civilized nation."

The effect of the Geneva protocol on bilateral arrangements for pacific settlement may be seen from the fact that only two such treaties were signed in 1922, nine in 1923, 18 in 1924; but there were 30 in 1925, 35 in 1926, 20 in 1927 and 48 in 1928. These treaties were progressively becoming more important politically by reason of the fact that many of them were being made with the definite object of insuring peace in "the most sensitive regions of Europe." Coupled with continuous exploration of the problems involved in solving the subjective problem of security and in seeking technical formulas to permit the reduction of armament, the year between the League As-

[1] A second edition issued in 1928 (Document C. 653. M. 216. 1927. V. 29) contains a complete analysis of all treaties registered up to December 15, 1927.

semblies of September, 1926, and of September, 1927, saw increasing agreement as to the necessity of insisting upon the development of pacific settlement as a means of peace.

The practical value of all-inclusive arbitration was further emphasized because of its obvious effect upon the subjective feeling of security, upon which the possibility of reducing armament was admitted to depend.

Various other developments had contributed to the main current. The value of the commission of inquiry as a method of considering disputes not submitted to arbitration and the provision of the Bryan treaties that parties to them should not go to war until the commission had reported had been embodied in Art. 12 of the League Covenant. In that article, however, the procedure of inquiry was assigned to the Council. During the period of the World War, there had been advocated — notably by the American League to Enforce Peace — a commission whose functions would extend beyond those of inquiry. The conciliation commission of the various private projects also assigned to that body the duty of including in its report recommendations as to how the dispute could be settled. Long before the war was over, arbitration and conciliation, which involved both inquiry and recommendation, were regarded as essentially complementary methods of pacific settlement.

In 1920, the Scandinavian countries, noticing that the Covenant contemplated arbitration through bilateral arrangements and provided for a judicial jurisdiction in the Permanent Court of International Justice, proposed an amendment which would set up a central conciliation commission under the Covenant. This proposal was studied, but it was felt that it was unnecessary to create such a body. Nevertheless on September 22, 1922, the Third Assembly of the League adopted a resolution recommending the Members of the League "to conclude conventions with the object of laying their disputes before conciliation commissions formed by themselves," and setting forth the general stipulations which should be embodied in such con-

ventions.[1] As a result of this resolution, some 30 such conventions have been made and the commissions appointed under them are reported to the Secretariat of the League.[2]

The Place of the Permanent Court

An essential element of the postwar system of pacific settlement is the Permanent Court of International Justice. Such a court had been desired for many years. Establishment of an international judicial body had failed at the Second Hague Conference in 1907 owing to inability to agree upon a method of selecting a restricted number of judges. Realization of the task was assigned to the Council of the League of Nations, and a solution of all primary problems was found in the Statute elaborated in 1920.[3] The Court had been functioning since 1922 and from year to year was establishing its fundamental place in the scheme of pacific settlement. Its general influence lies in several directions:

(1) It affords the world the spectacle of states seeking and receiving legal judgments;
(2) It determines points of law, in the form of advisory opinions, in connection with the settlement of disputes under the conciliatory procedure of the League of Nations;
(3) Its existence and operation emphasize the possibility of the most developed form of pacific settlement;
(4) Its work results in a positive body of adjudicated international law;
(5) By accepting the so-called optional clause, states may bind themselves to accept the jurisdiction of the Court for what are recognized to be legal questions.

Art. 13 of the Covenant of the League declares disputes concerning four types of question "to be among those which are generally suitable for submission to arbitration or

[1] *Resolutions and Recommendations Adopted by the Assembly*, 1922, p. 9 (*Official Journal*, Spec. Supp. No. 9).

[2] *Official Journal*, VI, p. 1684; VII, p. 378, 660, 1139, 1529, 1644; VIII, p. 625, 1043, 1552, 1652; IX, p. 295, 707, 797, 1142, 1952.

[3] The Committee of Jurists meeting March 10–19, 1929, recommended a revision as to many details. See *The World Court*, 1922–1929, Manley O. Hudson, World Peace Foundation, 1929, p. 140.

judicial settlement." The Council was instructed by Art. 14 of the Covenant to "formulate and submit to the Members of the League for adoption plans for the establishment" of a Court. The Council intrusted this task to an Advisory Committee of Jurists, who employed the language of Art. 13 to define the jurisdiction of the Court. However, the states represented in the 1920 Assembly, which perfected the Court Statute, felt unable to agree to so wide and definite a jurisdiction. In Art. 36 of the Statute, therefore, it is set down that "the jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force." Nevertheless, they were not content to leave the jurisdiction restrictive, but made it possible for any state accepting the Statute to sign the so-called optional clause by which they declare that they accept "as compulsory *ipso facto* and without special agreement, in relation to any other Member or state accepting the same obligation, the jurisdiction in all or any of the classes of legal disputes concerning:

"(*a*) The interpretation of a treaty;
"(*b*) Any question of international law;
"(*c*) The existence of any fact which, if established, would constitute a breach of an international obligation;
"(*d*) The nature or extent of the reparation to be made for the breach of an international obligation."

States parties to the Court are determined by their signing a protocol of signature, to which 52 have subscribed and which has been ratified by 42. In addition, the Court is open as of right or by courtesy to 17 others. The optional clause has been signed by 29 states and is reciprocally binding upon 17.[1] Of the others, 11 have not completed all formalities, while in the case of two a stipulated time limit has expired without renewal having been made.

[1] The states are Abyssinia, Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, Germany, Haiti, Netherlands, Norway, Panama, Portugal, Spain, Sweden, Switzerland and Uruguay.

The optional clause is regarded as the principal means for realizing the compulsory jurisdiction of the Court. Its acceptance by states parties to the Geneva protocol was contemplated as a part of its thoroughgoing provisions for pacific settlement. Since 1924, the general acceptance of the clause has been canvassed several times, and the Ninth Assembly of the League adopted a resolution in which it recommended states to consider whether they could accede to the clause "subject to appropriate reservations limiting the extent of their commitments."

Compulsory jurisdiction is "held to exist when the Court may be made cognizant of a suit by unilateral application under an international agreement." [1] Another form of it is expressed by treaties, bilateral or multilateral. All multilateral treaties and many bilateral treaties now being made contain a clause providing that a dispute involving the "interpretation or application" of the treaty shall be left to the Permanent Court. As a consequence of this clause, questions of the widest variety, many of them not previously cognizable by legal processes at all, have been brought within the scope of the Court's jurisdiction. Altogether, 250 such treaties had been filed with the Court up to June 15, 1928.[2]

Aggression and Pacific Settlement

The League's Preparatory Commission for the Disarmament Conference in its Third Session, March 21–April 26, 1927, had produced a skeleton first draft of a disarmament convention. This "progress achieved in the technical sphere" made the Members of the League "anxious to bring about the political conditions calculated to assure the success of the work of disarmament." The Eighth Assembly in September, 1927, recommended for this purpose the progressive extension of arbitration so as to provide the essential mutual confidence. To this end,

[1] *Publications of the Permanent Court*, Series D, No. 5, p. 15.

[2] *Collection of texts covering the jurisdiction of the Court*, Series D, No. 5; *Third Annual Report*, Series E, No. 3, p. 331, and No. 4, p. 413.

they requested the appointment of a committee to consider "the measures capable of giving the guaranties of arbitration and security necessary to enable them to fix the level of their armaments at the lowest possible figures in an international disarmament agreement." The 49 states represented in that Assembly also emphasized the attitude common to them by passing a resolution which is textually as follows:[1]

The Assembly,

Recognizing the solidarity which unites the community of nations;

Being inspired by a firm desire for the maintenance of general peace;

Being convinced that a war of aggression can never serve as a means of settling international disputes and is, in consequence, an international crime;

Considering that a solemn renunciation of all wars of aggression would tend to create an atmosphere of general confidence calculated to facilitate the progress of the work undertaken with a view to disarmament;

Declares:

(1) That all wars of aggression are, and shall always be, prohibited;

(2) That every pacific means must be employed to settle disputes, of every description, which may arise between states.

The Assembly declares that the states Members of the League are under an obligation to conform to these principles.

The Committee on Arbitration and Security, which was appointed by the Council in fulfilment of the Assembly resolution, had in the foregoing declaration a statement of belief on which to base its work. In three meetings, December 1–3, 1927, February 20–March 7, 1928, and June 27–July 4, 1928,[2] the committee worked out practical projects for the realization of the twin objects of preventing wars

[1] *Resolutions and Recommendations Adopted by the Assembly*, 1927, p. 22 (*Official Journal*, Spec. Supp. No. 53).

[2] Minutes printed in League of Nations documents, 1st session, C. 667. M. 225. 1927. IX. (1928. IX. 2); 2nd session, C. 165. M. 50. 1928. IX. 6; 3rd session, C. 358. M. 112. 1928. IX. 8.

of aggression and of settling all disputes by pacific means. The Third Commission of the Ninth Assembly re-examined these documents, and on September 26, 1928, adopted them and invited "all states, whether Members of the League or not and in so far as their existing agreements did not already achieve this end, to accept obligations" under them "or in such terms as may be deemed appropriate." The Council of the League on the same day [1] directed the submission of the documents to all Members of the League and to Afghanistan, Brazil, Costa Rica, Egypt, Ecuador, Mexico, Turkey, the Soviet Union, and the United States.

General Act and Model Treaties

This submission involved seven draft conventions as follows:

General Act;

Convention a, bilateral convention for the pacific settlement of all international disputes;

Convention b, bilateral convention for judicial settlement, arbitration and conciliation;

Convention c, bilateral conciliation convention;

Treaty D, collective treaty of mutual assistance;

Treaty E, collective treaty of nonaggression;

Treaty F, bilateral treaty of nonaggression.

The fundamental purposes of these documents were to facilitate agreement, to insure the greatest possible similarity of engagement, and to provide a standard for the adoption of agreements for mutual assistance and nonaggression for those states desiring them.

The emphasis of the resolution is upon the General Act, which constitutes a complete and standard set of provisions for conciliation, judicial settlement and arbitration. The other documents are, so far as possible, made up of articles taken from it. In the case of the treaties of mutual assistance and nonaggression, the distinctive formulas are taken from the Locarno treaty of mutual guaranty.

[1] *Official Journal*, IX, p. 1670.

Doubtless, the acceptance of the General Act was made easier by the signing of the general treaty for renunciation of war as an instrument of national policy a month before, but it is nevertheless a proposal of considerable importance. In proposing accession to it by the Belgian Senate, M. Paul Hymans, the minister of foreign affairs, described it as the judicial complement of the pact of Paris. While the pact "condemns war," the act "determines the methods to be taken in order not to have recourse to it." The French Government in recommending accession pointed out that this action involved taking an engagement in blank, since it was "valid toward all states which wished to contract the same obligations." This is diametrically opposed to the previous practice in making arbitration treaties, which are very carefully adjusted to the relations between the contracting parties.

The novelty of a treaty for pacific settlement capable of acceptance "in blank" is, however, explained by the contents of the document. Disputes of every kind between the parties shall be submitted to the procedure of conciliation. Disputes involving "conflict as to their respective rights," which include the legal differences mentioned in Art. 36 of the Statute of the Permanent Court and covered also by its optional clause, are to be submitted by states to the Court or to arbitration. The chief value of the General Act may prove to be its very full and practical details of procedure under each category and its general provisions making all procedure more definite. On the other hand, no state is discouraged from acceding to the General Act because it feels itself under the necessity of making reservations, for Art. 39 provides for accession conditional upon reservations, while Art. 38 contemplates partial accessions by the acceptance of specific chapters. Thus, the General Act is calculated to be a standard form of agreement, with any deviations from its full terms clearly established.

The General Act [1] came into force August 19, 1929,

[1] Text printed at p. 182 [402].

between Sweden (Chaps. I, II and IV) and Belgium by reason of the deposit of accessions in accordance with Art. 44 and for Norway (Chaps. I, II, IV) September 9. Belgium confined its accession to disputes arising after that action and with regard to situations or facts subsequent to it (Art. 39, 2 (*a*)). The Norwegian and Swedish accessions omitted Chap. III, Arbitration, because it affords a form of decision less legal in character than judicial settlement, which is included by accepting Chap. II. The Little Entente members have voted to accede. The French Government recommends accession.[1]

The preoccupation of the Assembly to fix standards of pacific settlement is further illustrated in the group of pacific settlement conventions. Thus, the three bilateral convention texts adopted are intended to meet the desires of states which for the moment are willing only to make pacific settlement agreements with single states. Each of the three fundamentally provides for the examination of all

[1] The French Government submitted to the Chamber on March 16, 1929, a project of law authorizing accession to the General Act. Reservations are specified as follows:

"This accession will be given, reserving the conventions for conciliation, judicial settlement or arbitration already concluded or to be concluded by the Government of the Republic, it being understood, moreover, by application of Art. 39 of the General Act, that differences dealing with claims of a character to disturb existing treaties, with the political or economic régime of the state or with the organization of national defense shall be submitted to the procedures provided by this General Act only if the parties, or one or other of them, do not submit their difference to the Council of the League of Nations, in conformity with Art. 12 of the Covenant, for consideration under the procedure established by Art. 15 of the Covenant."

The explanations of these reservations given in the letter of submission are of considerable interest.

As to differences involving claims affecting existing treaties, the explanation is that this raises the question of the revision of treaties, the conditions for which are laid down in Art. 19 of the Covenant; and it is added: "It does not seem to us admissible that any arbitral tribunal should impose the revision of any treaty whatsoever on the French Government."

As to injury to the "political and economic régime of the state," it is pointed out that the customary reservation is of the constitution of the state. "But," says the French Government, "the term 'constitution' does not seem to us to respond either to the special necessities of our organic legislation, which is far from being entirely included in our constitutional laws, nor particularly to the urgent conditions of modern economic life. It is not, therefore, doubtful that, although there does not exist an economic constitution, the fundamental principles of their customs, fiscal, banking, railroad, and other organization, in brief, their economic régime, may possess for modern states a character at least as essential as their political régime."

It is stated that the reservation in respect to the organization of national defense is made on account of "the absence of contractual provisions resulting from existing conventions or those which will be concluded under the auspices of the League of Nations in the matter of limitation of armament."

disputes and differs from the General Act simply by throwing emphasis upon one or the other method in the three or four substantive articles, while employing its actual text for all procedural details.

In each of the three treaties on mutual assistance, nonaggression, and pacific settlement there is a complete system of pacific settlement, employing for this purpose the articles of the General Act. The Assembly produced models of both a collective and a bilateral treaty of nonaggression. These are identic, *mutatis mutandis*, and begin as follows:

ART. 1. The high contracting parties mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of:

(1) The exercise of the right of legitimate defense, that is to say, resistance to a violation of the undertaking contained in the previous paragraph;

(2) Action in pursuance of Art. 16 of the Covenant of the League of Nations;

(3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations, or in pursuance of Art. 15, par. 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a state which was the first to attack.

ART. 2. The high contracting parties undertake to settle by peaceful means and in the manner laid down in the present treaty all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

ART. 3. Should any one of the high contracting parties consider that a violation of Art. 1 of the present treaty has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

The collective treaty of mutual assistance reads the same with the primary addition of the following paragraph:

As soon as the Council of the League of Nations has ascertained that such a violation has taken place, it shall at once advise the powers which have signed the present treaty, and each of these powers undertakes in such a case to give assistance forthwith to the power against which the act complained of has been directed.

These texts employ the formula of the Locarno treaty of mutual guaranty, but do not contain:

(*a*) A clause guaranteeing the maintenance of the territorial *status quo*,

(*b*) A guaranty by third states.

All these documents are being studied by the Governments of states throughout the world. Those for pacific settlement seem to have attracted the most favorable attention, and the General Act entered into force before the meeting of the Tenth Assembly in September, 1929. Only Rumania had expressed a view upon those for mutual assistance and nonaggression. It has announced that it is ready to conclude any of the model treaties with all states, whether Members of the League or not.[1]

Attitude of the United States

The United States participated but slightly in these developments. Not being a Member of the League of Nations, it did not have a share in the discussions as to pacific settlement nor prior to 1926 in the disarmament deliberations of the League. Since 1926 it has taken no part in the arbitration and security activities at Geneva. In other League activities, however, the United States was participating generally in work where it perceived that the common interest sought was also its interest.

From 1920 to 1927 arbitration treaties were made with Liberia and Sweden on the basis of the 1908 formula, and six others on the same pattern were twice renewed for periods of five years. One of the Bryan treaties belatedly came into force, while the commissions under 19 out of the 21 of them in force were allowed to remain incomplete and inoperative. In 1923, the United States signed two multilateral conciliation treaties, one with the Pan American and the other with the Central American states, both of which entered into force.

One evidence of popular concern over the failure of the

[1] *Official Journal*, X, p. 353.

United States to do more was the development of a movement for the "outlawry of war," which was organized by the American Committee for Outlawry of War with headquarters in Chicago. In January, 1922, Senator William E. Borah came out in favor of this plan by publishing the committee's program as a Senate document [1] and introducing a resolution into the Senate embodying its subject matter. From that time, Senator Borah kept the proposal before the Senate in a succession of resolutions which underwent various revisions in the course of the next five years as they were brought forward in the early days of each biennial Congress. The resolution was last introduced on December 12, 1927, when it took the following form: [2]

Whereas war is the greatest existing menace to society, and has become so expensive and destructive that it not only causes the stupendous burdens of taxation now afflicting our people but threatens to engulf and destroy civilization; and

Whereas civilization has been marked in its upward trend out of barbarism into its present condition by the development of law and courts to supplant methods of violence and force; and

Whereas the genius of civilization has discovered but two methods of compelling the settlement of human disputes, namely, law and war, and therefore, in any plan for the compulsory settlement of international controversies, we must choose between war on the one hand and the process of law on the other; and

Whereas war between nations has always been and still is a lawful institution, so that any nation may, with or without cause, declare war against any other nation and be strictly within its legal rights; and

Whereas revolutionary war or wars of liberation are illegal and criminal, to wit, high treason, whereas, under existing international law, wars between nations to settle disputes are perfectly lawful; and

Whereas the overwhelming moral sentiment of civilized people everywhere is against the cruel and destructive institution of war; and

Whereas all alliances, leagues, or plans which rely upon war as the ultimate power for the enforcement of peace carry the seeds either of their own destruction or of military dominancy, to the utter subversion of liberty and justice; and

Whereas we must recognize the fact that resolutions or treaties outlawing certain methods of killing will not be effective so long as war

[1] S. Doc. 115, 67th Cong. 2d Sess.

[2] S. Res. 45, 70th Cong. 1st Sess.

itself remains lawful; and that in international relations we must have not rules and regulations of war but organic laws against war; and

Whereas in our Constitutional Convention of 1787 it was successfully contended by Madison, Hamilton, and Ellsworth that the use of force when applied to people collectively — that is, to states or nations — was unsound in principle and would be tantamount to a declaration of war; and

Whereas we have in our Federal Supreme Court a practical and effective model for a real international court, as it has specific jurisdiction to hear and decide controversies between our sovereign States; and

Whereas our Supreme Court has exercised this jurisdiction without resort to force for 137 years, during which time scores of controversies have been judicially and peaceably settled that might otherwise have led to war between the States, and thus furnishes a practical exemplar for the compulsory and pacific settlement of international controversies; and

Whereas an international arrangement of such judicial character would not shackle the independence or impair the sovereignty of any nation: Now, therefore, be it

Resolved, That it is the view of the Senate of the United States that war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations and that every nation should be encouraged by solemn agreement or treaty to bind itself to indict and punish its own international war breeders or instigators and war profiteers under powers similar to those conferred upon our Congress under Art. I, sec. 8, of our Federal Constitution, which clothes the Congress with the power "to define and punish offenses against the law of nations"; and be it

Resolved further, That a code of international law of peace based upon the outlawing of war and on the principle of equality and justice between all nations, amplified and expanded and adapted and brought down to date, should be created and adopted.

Second, that, with war outlawed, a judicial substitute for war should be created (or, if existing in part, adapted and adjusted) in the form or nature of an international court, modeled on our Federal Supreme Court in its jurisdiction over controversies between our sovereign States; such court shall possess affirmative jurisdiction to hear and decide all purely international controversies, as defined by the code, or arising under treaties, and its judgments shall not be enforced by war under any name or in any form whatever, but shall have the same power for their enforcement as our Federal Supreme Court, namely, the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions, the agreement of the nations to abide and be bound by such judgments and the compelling power of enlightened public opinion.

II. NEGOTIATION OF THE TREATY

1. The French Proposal

On April 6, 1927, the 10th anniversary of the entrance of the United States into the World War, Aristide Briand, French minister for foreign affairs, in a statement through the Associated Press to the American people said: [1]

> For those whose lives are devoted to securing this living reality of a policy of peace, the United States and France already appear before the world as morally in full agreement. If there were need for those two great democracies to give high testimony of their desire for peace and to furnish to other peoples an example more solemn still, France would be willing to subscribe publicly with the United States to any mutual engagement tending to outlaw war, to use an American expression, as between these two countries. The renunciation of war as an instrument of national policy is a conception already familiar to the signatories to the Covenant of the League of Nations and of the treaties of Locarno. Every engagement entered into in this spirit by the United States toward another nation such as France would contribute greatly in the eyes of the world to broaden and strengthen the foundations on which the international policy of peace is being erected. These two great friendly nations, equally devoted to the cause of peace, would furnish to the world the best illustration of the truth that the immediate end to be attained is not so much disarmament as the practical application of peace itself.

The full statement closed with a reference to the pilgrimage planned by some 20,000 members of the American Legion to Paris during the coming summer, and this feature of the statement attracted immediate attention. Both Governments were aware that some nine months later the arbitration convention of February 10, 1908, was due to expire, and had given consideration to the form

[1] For the full statement see *The Pact of Paris*, with historical commentary by James T. Shotwell, p. 25 (*International Conciliation*, No. 243).

which a new treaty should take.[1] On June 20, 1927, the French Government transmitted to the Secretary of State, through the American ambassador at Paris, a draft of a "pact of perpetual friendship between France and the United States," which proposed agreement on the following:

ART. I. The high contracting powers solemnly declare, in the name of the French people and the people of the United States of America, that they condemn recourse to war and renounce it respectively as an instrument of their national policy toward each other.

ART. II. The settlement or the solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise between France and the United States of America shall never be sought by either side except by pacific means.

RECEPTION IN UNITED STATES

No action on this proposal was taken for six months. In the Department of State, it gave practical point to the re-examination of the position of the United States with respect to the development of pacific settlement. The knowledge that the proposal had been made excited some favorable interest in the country. On December 6, 1927, Senator Capper introduced in the Senate a resolution (S. J. Res. 14) declaring it to be the policy of the United States to make treaties "with France and other like-minded nations formally to renounce war as an instrument of public policy and to adjust and settle its international disputes by mediation, arbitration or conciliation," and also "to accept the definition of aggressor nation as one which, having agreed to submit international differences to conciliation, arbitration or judicial settlement, begins hostilities without having done so." The Borah "outlawry of war" resolution was reintroduced in the Senate on December 12.

[1] "In the beginning," said M. Briand in addressing the French Senate on March 29, 1929, "I took advantage of an anniversary to address myself to the American people and to hold up a simple formula, slightly mystical, susceptible of impressing and attracting the popular masses . . . I did not foresee all that would result from my message; I admit that in all modesty."

During December the French ambassador consulted with the Secretary of State and Senator Borah saw both Secretary Kellogg and Ambassador Claudel. The Americans were anxious to make a favorable response to the French note, but were not satisfied that a bilateral treaty in which France and the United States renounced war would not partake of the nature of an alliance. The tendency of national policies to create individually advantageous arrangements at the expense of improving relations in general was the thing which especially concerned the Americans, who did not wish to encourage or be a party to any agreement which would result in a political grouping. Both the spokesmen for the Executive and Legislative divisions of the Government concluded that a greater measure of security lay in a general agreement than in a bilateral agreement. The reasoning was that an engagement with a single state not to go to war both forced a condition of neutrality on the other contractant and enabled the former to count upon that fact, with a proportionate encouragement to try to benefit from the situation. But, if the other state's potential antagonists were included in a multilateral treaty, the temptation to misuse the engagement for national ends would not arise — the common pledge would include all concerned.

The pourparlers indicated that it was not an objection to this reasoning which had resulted in the making of the French proposal in a bilateral form. From the French point of view its engagements under the League of Nations and the relations established by the Locarno treaties had the effect of a renunciation of war as an instrument of national policy so far as the contractants were concerned. Since a similar engagement did not exist with the United States, the French had deemed it politic to propose a repetition of their existing pledges only with that country. But, if the United States desired to build an agreement upon a broader basis, the French were not disposed to raise any questions.

2. The Multilateral Proposal

The position having thus been explored by inquiry, the Secretary of State on December 28, 1927, replied on behalf of the United States Government to the French proposal of June 20. The reply involved two considerations which took independent courses.

The Secretary of State recorded that "the United States welcomes every opportunity of joining with the other Governments of the world in condemning war and pledging anew its faith in arbitration." Being of the opinion "that every international indorsement of arbitration . . . materially advances the cause of world peace," he gave "concrete expression" to his views by referring to a note sent on the same day in which he proposed a form of arbitration treaty to supersede the convention of 1908,[1] which was due to expire on February 27, 1928. The proposed text was described as extending the scope of arbitration and as recording "the unmistakable determination of the two Governments to prevent any breach in the friendly relations which have subsisted between them for so long a period." This draft of the arbitration treaty recognized the generally accepted principle of arbitrating specified types of disputes and of leaving to a conciliation commission all other disputes arising between the parties and not settled by the ordinary processes of negotiation. In the case of France, the treaty for the advancement of peace — establishing the Franco-American conciliation machinery — of September 15, 1914, was indefinitely in force and would, therefore, remain as a part of the system of pacific settlement provided between the two countries.

The proposal contained in this portion of the American note was rapidly realized, and the new arbitration treaty was signed at Washington on February 6, 1928, commemorating the 150th anniversary of the signing of the Revolutionary alliance with France.

The association of the new arbitration treaty with the

[1] *Treaties, Conventions, Protocols,* etc., 1776–1909, I, p. 549.

existing conciliation treaty was immediately adopted by the Department of State as the basis of active negotiations with other states. As soon as its text was determined, copies of it and of the treaties for the advancement of peace negotiated in 1913–1914 were transmitted to many governments as the form of engagement for the pacific settlement of international disputes which the United States was willing to conclude with other states. It was thus early evident that the Department of State was embarking upon an active policy of completing a series of engagements to provide bilaterally for the settlement of all disputes by pacific means. There was also entailed, as a result of the technical condition of American treaties of pacific settlement, a considerable revision of such practical details as the completion of conciliatory commissions and adequate provision for the supersession of the "national honor, vital interest" type of arbitration treaty.

The policy of the United States as evidenced by the note of December 28, 1927, consequently took the form of two proposals:

1. A series of bilateral treaties providing for the pacific settlement of all disputes. The arbitration treaty is limited in jurisdiction, but involves binding decisions; while the conciliation treaty is unlimited in jurisdiction, but does not result in binding decisions.
2. A multilateral treaty "open to signature by all nations condemning war and renouncing it as an instrument of policy in favor of the pacific settlement of international disputes."

The fact that these two proposals were made simultaneously and that their realization was sought at the same time, though independently of each other, should be kept in mind while estimating the significance of the multilateral treaty, the second article of which pledges the contracting states to the settlement of all disputes or conflicts by pacific means.

The French proposal of June 20, 1927, was to the effect that France and the United States should renounce war

"as an instrument of their national policy toward each other" and that the solution of all disputes or conflicts between them "shall never be sought by either side except by pacific means." Secretary Kellogg in his note of December 28 stated that he was prepared to concert with M. Briand "with a view to the conclusion of a treaty among the principal powers of the world, open to signature by all nations, condemning war and renouncing it as an instrument of national policy in favor of the pacific settlement of international disputes." Thus, a bilateral proposal was given a world-wide significance by being transformed into a multilateral suggestion. "While we might well have hesitated to take the initiative in proposing such a treaty to Europe, the invitation from France afforded us an opportunity to examine anew the whole question of world peace and to determine in what practical manner we could best cooperate." [1]

The initial negotiators could not have been more fortunately selected to make the outcome a world-wide solution of a great problem. The President had said of the United States: "So far as we can look into the future, so far as we can gauge the power and temper of other peoples, there never was a time when it was less likely than now that any other nation or combination of nations would or could make any attack on us." [2] On the other hand, France was the one nation in the world whose policy had been most sedulously devoted to realizing national security by diplomatic means. The United States viewed a peace system as something to be developed in itself, trusting the nation's own judgment, if and when force should be employed. France wished to insure peace by placing behind its established standards the available force of the well-disposed. If these two schools of thought — each the result of national experience — could be reconciled, the prospect of a unified and universal peace formula was in sight.

[1] Secretary Kellogg "The War Prevention Policy of the United States," *Foreign Affairs*, Spec. Supp. to Vol. VI, No. 3, p. vii.

[2] *Address to graduating class U. S. Naval Academy*, Annapolis, Md., June 3, 1925, p. 4.

Multilateral Form Agreed To

There was, consequently, some importance to Secretary Kellogg's suggestion that conversations be begun "looking to the preparation of a draft treaty following the lines suggested by M. Briand for submission by France and the United States jointly to the other nations of the world." If France and the United States could harmonize their points of view, there was little reason for doubting that their agreement could be made acceptable to all other states.

The French reply in the note of January 5, 1928, was that the Paris Government was "disposed to join . . . in proposing for agreement by all nations a treaty to be signed at the present time by France and the United States," which "will engage to bring [it] to the attention of all states and invite them to adhere." The question was whether other states were to be presented with a draft for consideration or with a completed document to which they could subscribe. The French view was based on the fact that France was a Member of the League of Nations, whose engagements already existed between France and the others; so that the Franco-American proposal would be for it a subsidiary undertaking, but including the powerful United States in the pledge not to resort to war.

"In the opinion of the Government of the United States this procedure," said the note of January 11, "is open to the objection that a treaty, even though acceptable to France and the United States, might for some reason be unacceptable to one of the other great powers." Thus the effort "would be rendered abortive"; which would not be the case if the views of other Governments "could be accommodated through informal preliminary discussions and a text devised which would be acceptable to them all." The engagement it proposed to take would be the only one binding the United States, and the American idea was that it should be as general as possible. France

on January 21 waived the point as "essentially one of procedure," and was "ready to concur in any method which may appear to be the most practicable." The French note called attention to the circumstance that the United States, "for reasons of its own," considered "that it would be opportune to broaden this manifestation against war" beyond the two parties. As a consequence, "the new negotiation as proposed would be more complex and likely to meet with various difficulties," which it proceeded to discuss.

Debate over Aggression

The French note of January 5 defined the proposal as calculated to "renounce all war of aggression." The American note of January 11, taking up the phrase, called attention to the fact that the June proposal of France "contained no such qualification or limitation." It was earnestly hoped that the modification was of no particular significance. In order to insure progress of the negotiations, the American note suggested that the original French proposal and the notes exchanged be transmitted to the British, German, Italian, and Japanese Governments for preliminary discussion of a multilateral agreement.

The French reference to aggressive war brought the Franco-American negotiations into relation with the approach to the war problem which had been so long pursued by the League states at Geneva. France had been the leader in seeking definite criteria to determine aggression in the belief that its definition would open the way to solve both the problems of security and reduction of armament. The authorities of the United States, as far back as the Senate debate on Art. 10 of the Covenant, had taken the attitude that aggression can be recognized, but not defined. The view has been succinctly stated as follows: [1]

[1] Sir Austen Chamberlain in the House of Commons, November 24, 1927, *Official Journal*, IX, p. 703.

> If you laid down, far in advance, before circumstances that you can not foresee, rigid definitions by which the aggressor is to be determined, are you quite sure that in thus making these strict rules in circumstances which are unknown to you, you may not find when the occasion arises, that by some unhappy turn in your definition you have declared to be the aggressor that party which, to the knowledge of all men at the time, is the aggressed and not the offender?

Believing with that speaker that the attempt to define the aggressor would prove to "be a trap for the innocent and a sign post for the guilty," the United States Government was anxious not to make the negotiations for the renunciation of war dependent upon the criteria of aggression.

In explanation of the use of the phrase, the French in their reply of January 21, 1928, stated that there is "a situation of fact to which my Government has requested me to draw your particular attention." This situation was "that the great majority of the powers of the world . . . are making the organization and strengthening of peace the object of common efforts carried on within the framework of the League of Nations." They were already bound to one another by the Covenant, by agreements like those of Locarno, or by international conventions relative to guaranties of neutrality. The duties of these engagements "they can not contravene." France cited the unanimous resolution of the Assembly of September 24, 1927, which condemned aggressive war as an international crime and specified that all peaceful means must be employed for the settlement of differences between states. "This is the condition of affairs which the United States, while a stranger thereto, can not decline to take into consideration just as must any other state called upon to take part in the negotiation."

This French reply had been preceded by much press speculation and was followed by a lively discussion. The resolution of the League Assembly in 1927 did not attempt

a definition of aggression and, as already indicated, was put forth as a precept in international relations. The Locarno treaty of mutual guaranty [1] refers to "an unprovoked act of aggression" as the *casus fœderis*, without attempting to define it closely.

The duty of Members of the League under Art. 16 of their Covenant to apply sanctions came into the discussion. Beginning with the Locarno treaty, the formula outside of the United States has been to except "action in pursuance of Art. 16 of the Covenant of the League of Nations" from the undertaking "in no case to resort to war." Art. 16 stipulates that the covenant-breaking state shall have resorted to war before its provisions are applicable, but it does not define the action of covenant-keeping states under the article as war. There are indications that the League states do not regard such action as war,[2] because "the existence of a state of war between two states depends upon their intention and not upon the nature of their acts." So the employment of means of coercion under their Art. 16 would not necessarily be war for the states joining with the Washington Government in the anti-war treaty.

American Position

Secretary of State Kellogg, in his reply of February 27, hoped that the French Government would be able to satisfy itself that a multilateral anti-war treaty would be "consistent with membership in the League of Nations." If Members of the League could not agree to renounce war as an instrument of their national policy without violating the terms of the Covenant, it seemed idle to discuss the subject. He said: "I am reluctant to believe, however, that the provisions of the Covenant of the League of Nations really stand in the way of the cooperation of the United States and Members of the League of Nations in

[1] For text see *World Peace Foundation Pamphlets*, Vol. IX, p. 55.

[2] League of Nations, *Official Journal*, IX, p. 834.

a common effort to abolish the institution of war." He trusted that no Member of the League would "finally decide that an unequivocal and unqualified renunciation of war as an instrument of national policy either violates the specific obligations imposed by the Covenant or conflicts with the fundamental idea and purpose of the League of Nations."

The Secretary felt that it would greatly weaken and virtually destroy the positive value of the declaration as a guaranty of peace if it were accompanied "by definitions of the word 'aggressor' and by exceptions and qualifications stipulating when nations would be justified in going to war." It was the "purity and simplicity" of the ideal which inspired the effort of the two Governments, that made it so "arresting and appealing." The Secretary of State added a new consideration in American negotiations for the attainment of peace: "I can not avoid feeling that if Governments should publicly acknowledge that they can only deal with this ideal in a technical spirit and must insist upon the adoption of reservations impairing, if not utterly destroying the true significance of their common endeavors, they would be in effect only recording their impotence, to the keen disappointment of mankind in general."

The French Government replied on March 30 with the object of facilitating an immediate decision as far as it could and for that reason adopting "as practical a point of view as possible." The reason France sought to confine the proposal to wars of aggression was that an absolutely unconditional agreement in a multilateral treaty would expose the signatories "to juridical difficulties resulting from the respective positions of various powers with regard to one another," which "could never constitute in fact anything but purely theoretical obstacles" in a bilateral treaty. Calling attention to the interplay of relations between the parties of a multilateral treaty, — which is not a joint agreement but one of each party to each other party — the French note commented that one

of the resolutions of the Pan American Conference at Habana [1] had for that reason been limited to "wars of aggression."

Drafts Sent to Principal Governments

The Secretary of State next, by agreement with the French Government, submitted the correspondence to the British, German, Italian and Japanese Governments. In taking this action on April 13, Mr. Kellogg stated that a point had been reached where each of those Governments should "have an opportunity formally to decide to what extent, if any, its existing commitments constitute a bar to its participation with the United States in an unqualified renunciation of war." Attached to this note was a draft treaty, the substance of which was as follows:

Art. I. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Art. II. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or whatever origin they may be, which may arise between them, shall never be sought except by pacific means.

On April 20, the French Government summarized its position as stated in its note of March 30 in a counter draft, which read:

Art. 1. The high contracting parties without any intention to infringe upon the exercise of their rights of legitimate self-defense within the framework of existing treaties, particularly when the violation of certain of the provisions of such treaties constitutes a hostile act, solemnly declare that they condemn recourse to war and renounce it as

[1] The United States Government had intended to call the attention of the French Government to one of the Habana resolutions providing for the Pan American Conference on Conciliation and Arbitration in which "the American Republics adopt obligatory arbitration as the means which they will employ for the pacific solution of their international differences of a juridical character." The French reference was to a Habana resolution of February 18, 1928, repeating in substance the League of Nations Assembly resolution of 1927 and resolving:

"(1) All aggression is considered illicit and as such is declared prohibited.

"(2) The American states will employ all pacific means to settle conflicts which may arise between them."

an instrument of national policy; that is to say, as an instrument of individual, spontaneous and independent political action taken on their own initiative and not action in respect of which they might become involved through the obligation of a treaty such as the Covenant of the League of Nations or any other treaty registered with the League of Nations. They undertake on these conditions not to attack or invade one another.

ART. 2. The settlement or solution of all disputes or conflicts of whatever nature or origin which might arise among the high contracting parties or between any two of them shall never be sought on either side except by pacific methods.

ART. 3. In case one of the high contracting parties should contravene this treaty, the other contracting powers would *ipso facto* be released with respect to that party from their obligations under this treaty.

ART. 4. The provisions of this treaty in no wise affect the rights and obligations of the contracting parties resulting from prior international agreements to which they are parties.

ART. 5. The present treaty will be offered for the accession of all powers and will have no binding force until it has been generally accepted unless the signatory powers in accord with those that may accede hereto shall agree to decide that it shall come into effect regardless of certain abstentions.

Secretary of State Kellogg was the first speaker at the dinner of the American Society of International Law in Washington on the evening of April 28. With him on the same program was Paul Claudel, the French ambassador. The Secretary of State took the occasion to discuss the differences between the American and French drafts. The views of the United States on the six major considerations which the French Government had emphasized were discussed by him in substance as follows:[1]

1. *Self-defense.* The right of self-defense [2] "is inherent in every sovereign state and is implicit in every treaty." Every nation is free at all times to defend its territory from attack or invasion and to decide whether circumstances require such action, which the world will applaud "if it has a good case." To recognize this right by treaty would raise the same difficulty as is found in every effort to define aggression, being "the identical question approached

[1] The statement in full is incorporated in the note of June 23, p. 135 [355].

[2] The French "legitimate defense" has a slightly different significance.

from the other side." To stipulate "a juristic conception of self-defense" in a treaty is not in the interest of peace, "since it is far too easy for the unscrupulous to mold events to accord with an agreed definition."

2. *The League Covenant.* "The Covenant imposes no affirmative primary obligation to go to war." The Fourth Assembly in a resolution on Art. 10, not formally adopted owing to one adverse vote, found that the constitutional authorities of each Member would decide on the employment of their military forces. He found that there was "no necessary inconsistency between the Covenant and the idea of an unqualified renunciation of war," since the Covenant did no more than authorize war in certain circumstances, not require it.

3. *The Treaties of Locarno.* Any positive obligation to go to war in these treaties would not attach until one of the parties had resorted to war in violation of its pledges. If all the parties to the Locarno treaties were parties to the present treaty, a double assurance that the Locarno treaties would not be violated would be given. Violation of the Locarno treaties would also be a breach of the proposed treaty, from the obligations of which the other parties would, "as a matter of law, be automatically released." The United States was entirely willing for all of them to become parties to the treaty.

4. *Treaties of Neutrality.* Though the United States was not informed as to the precise treaties France had in mind, it was supposed "that the relations between France and the states whose neutrality she had guaranteed are sufficiently close and intimate to make it possible for France to persuade such states to adhere seasonably to the anti-war treaty proposed by the United States." An attack against such a state would leave France free to act.

5. *Relations with a Treaty-breaking State.* Any expressed recognition of the "principle of law," that "violation of a multilateral anti-war treaty through resort to war by one party thereto would release the other parties from their obligations to the treaty-breaking state," was declared unnecessary.

6. *Universality.* The United States from the first desired that the treaty should be "world-wide in its application." As a practical matter, it was urged that its coming into force should not be conditioned upon "prior universal or almost universal acceptance." It was highly improbable that a form acceptable to the British, French, Italian, Japanese and United States Governments "would not be equally acceptable to most, if not all," of the other states.

Dominions and Locarno States Added

The German Government in a note of April 27 declared "that it is ready to conclude a pact in accordance with the proposal of the Government of the United States and to this end to enter into the necessary negotiations with the Governments concerned." On May 5, the Italian Government offered "very willingly her cordial collaboration toward reaching an agreement"; but hoped that the United States would participate in "a preliminary meeting of the legal experts of the powers [1] whose direct interest in the proposed treaty has been enlisted." The Japanese Government on May 26 replied "that they would be glad to render their most cordial cooperation toward the attainment" of the end proposed by the United States. The London Government on May 19 stated that "it will gladly cooperate in the conclusion of such a pact as is proposed." The English note analyzed the two drafts before it and found "that there is no serious divergence between the effect" of them. In general the London Government agreed with the American interpretation as expressed in Mr. Kellogg's speech of April 28. It stated, however, that "there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. . . . Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that his Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect." The "comparable interests" of the United States were referred to.

This reply was "on behalf of his Majesty's Government in Great Britain." It stated that the proposal did not concern the London Government alone, but was one in "which they could not undertake to participate otherwise than jointly and simultaneously with his Majesty's Governments in the Dominions and the Government of India."

[1] The plans for the meeting referred to were not pursued, though discussions of experts took place.

Following this suggestion, Secretary Kellogg on May 22 issued separate invitations to the Governments of Canada and the Irish Free State through the American ministers at Ottawa and Dublin and to the Governments of Australia, New Zealand, South Africa and India through the London Government by the American ambassador in that capital. This action was a formal and complete recognition of the international status of the component parts of the British Commonwealth of Nations by the United States.

The Canadian Government on May 30 accepted the American invitation to become one of the original parties to the treaty without any reservations, but stated that it regarded the League of Nations, "with all its limitations, as an indispensable and continuing agency of international understanding and would not desire to enter upon any course which would prejudice its effectiveness." It saw "no conflict either in the letter or in the spirit between the Covenant and the multilateral pact or between the obligations assumed under each." On the same day the Government of the Irish Free State accepted "unreservedly." New Zealand received the invitation "with warm appreciation" and "will be happy to share in the negotiations." Australia on June 2 "will be happy to cooperate to the fullest extent in the successful conclusion of the treaty." The Government of India accepted the invitation and desired to associate itself with the London note of May 19. The Government of the Union of South Africa stated that it would gladly take part in the negotiations and took it for granted (*a*) that the treaty would not deprive any party "of any of its natural right of legitimate self-defense;" (*b*) that its violation "will free the other parties from obligation to observe its terms in respect of the party committing such violation;" and (*c*) that the Union would not "be precluded from fulfilling as a Member of the League of Nations its obligations toward the other members thereof under the provisions of the Covenant of the League."

The correspondence just cited added six states to the number invited to negotiate the anti-war treaty. In his

remarks on April 28, Secretary Kellogg had referred to the French concern about keeping the treaties of Locarno and treaties guaranteeing neutrality intact. His answer was that the states concerned should be invited in. This was done with respect to the Locarno group by including them all, the additions being Belgium, Czechoslovakia and Poland. He commented, with respect to the treaties of neutrality, that "the United States is not informed as to the precise treaties which France has in mind," but this uncertainty did not prevent the suggestion that France might persuade "such states to adhere seasonably to the anti-war treaty."

In accordance with this attitude the American note of June 23 was transmitted to Belgium, Czechoslovakia and Poland [1] in addition to France, Germany, Great Britain, Italy, Japan, Australia, Canada, India, Irish Free State, New Zealand and South Africa, making, with the United States, 15 Governments contemplated as original parties to the treaty. Of these, eight are situated in the European area, two in the American hemisphere, each of which borders on both the Atlantic and Pacific Oceans, three in the Pacific area, one in Africa and one in Asia.

Interpretative Note of June 23

The American Secretary of State gave his final proposal the form of a 4,000-word identic note to the 14 other states. Mr. Kellogg reviewed the course of the negotiations since April 13, and quoted textually his replies to the six French considerations from his address of April 28. The evident intention of including these interpretations in the note was to connect them more intimately with the meaning to be given to the draft treaty which was appended to it. This was further emphasized by his citing the fact that none of the replying Governments had expressed any dissent from those interpretations. Nor had any of them "voiced the

[1] In a speech on May 18 Auguste Zaleski, the Polish foreign minister, speaking before the Foreign Affairs Commission of the Diet, expressed the same considerations stated by South Africa, adding that he concluded "from Mr. Kellogg's speeches that our point of view agrees with his."

least disapproval of the principle underlying the proposal of the United States for the promotion of world peace." This being the case, and no Government having suggested any specific modification, the United States Government "remains convinced that no modification of the text . . . is necessary to safeguard the legitimate interests of any nation."

As to the specific points, "the right of self-defense is . . . implicit in every treaty."

The principle was "well recognized" that resort to war in violation of the proposed treaty "would release the other parties from their obligations under the treaty toward the belligerent state." By the draft under discussion the parties renounce war as an instrument of national policy and shall never seek the settlement of disputes except by pacific means. It would then follow that a state was under no obligation to refrain from war against a state which had broken the treaty, while observing its provisions toward the other parties. The interpretation is reminiscent of the old legal attainder.

The United States welcomed the idea that all parties to the treaties of Locarno should be among the original signatories of the proposed treaty for the renunciation of war. In this way "no state could resort to war in violation of the Locarno treaties without simultaneously violating the anti-war treaty," thus leaving the other parties thereto free to act so far as the treaty-breaking state was concerned. By the Locarno treaty of mutual guaranty, the five parties "collectively and severally guarantee . . . the maintenance of the territorial *status quo* resulting from the frontiers between Germany and Belgium and between Germany and France." In the event of a double violation of the anti-war and Locarno treaties, the American interpretation of the anti-war treaty would leave the Locarno parties free to fulfill this guaranty by force of arms.

"The same procedure," said the note of the United States, "would cover the treaties guaranteeing neutrality to which the Government of France has referred." Without

specifying the states concerned, Mr. Kellogg said that "my Government would be entirely willing, however, to agree that the parties to such neutrality treaties should be original signatories of the multilateral anti-war treaty." No official identification of the states referred to had formally been given to the United States, but there was no question that the treaties between France on the one hand and Rumania and the Serb-Croat-Slovene State on the other were in mind. The treaties in question [1] are replicas of the Locarno formula, excluding "the right of legitimate defense." [2]

In the note of June 23, Secretary Kellogg indicated that the second American draft treaty was "without change, except for including among the original signatories the British Dominions, India, all parties to the treaties of Locarno and, it may be, all parties to the neutrality treaties mentioned by the Government of France." The Secretary continued that he believed that a revision of the preamble would meet the conditions under discussion. This revision consisted of a change of one paragraph and the addition of two others, of which the third reads:

> Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process and that any signatory power which shall hereafter seek to promote its national interest by resort to war should be denied the benefits furnished by this treaty.

He again reiterated the intention to release the state resorting to war from the treaty with the object of allowing parties to other treaties to fulfill their engagements. As to admitting additional states to the negotiations, he suggested that the interests of the states bound by neutrality treaties "would be adequately safeguarded if, instead of signing in

[1] Treaty of friendship between France and Rumania signed at Paris June 10, 1926. (League of Nations, *Treaty Series*, Vol. LVIII, p. 225.) Treaty of friendly understanding signed between France and the Serb-Croat-Slovene State at Paris November 11, 1927. (*Ibid.*, LXVIII, p. 373.)

[2] There is a technical question whether "legitimate defense" is not a preferable expression to "self-defense," since the latter does not necessarily involve a test of legitimate action.

the first instance, they should choose to adhere to the treaty." Having been instructed by the President to state that the Government of the United States was ready to sign the proposed treaty at once, the Secretary of State expressed the fervent hope that each of the Governments "will be able promptly to indicate its readiness to accept, without qualification or reservation, the form of treaty now suggested by the United States." He would be pleased to be informed "at as early a date as may be convenient" whether the other Governments were willing to sign the definitive treaty. If this could be concluded, he stated that "my Government is confident that the other nations of the world will, as soon as the treaty comes into force, gladly adhere thereto and that this simple procedure will bring mankind's age-long aspiration for universal peace nearer to practical fulfilment than ever before in the history of the world."

It will be perceived that the American Government thus invited the states selected as original signatories to accept its draft without further negotiation. With the object of confining the determination of the definitive treaty to a restricted number of states, it was suggested that others than those already invited should become parties to it by adhesion only after its entrance into force.

Assent of Fourteen Invited Parties

The 14 states to which these considerations were presented found them acceptable and replied well within a month after appropriate internal procedure. The German response was transmitted after a vote of the Foreign Relations Commission of the Reichstag. In other states there were cabinet meetings. In Great Britain there was considerable expression of popular approval. France emphasized the importance attached to the negotiations by scheduling its reply on July 14, the national holiday. The replies were made as follows: July 8, Poland; July 11, Germany; July 14, France and Irish Free State; July 15, Italy; July 17, Belgium; July 18, Australia, Canada,

Great Britain, India, New Zealand and South Africa; July 20, Czechoslovakia and Japan. The substance of the replies was as follows:

Australia. Accepts the assurance of the American note "that the right of self-defense of the signatory state will not be impaired in any way." Notes that the preamble "accords express recognition to the problem that if one signatory state resorts to war in violation of the treaty, the other signatories will be released from their obligations" to that state; accepts the declaration "that the preamble in this respect is to be taken as a part of the substantive provisions of the treaty itself." Has "come to the conclusion that it is not inconsistent" with the Covenant of the League of Nations. The treaty "is completely satisfactory" as to these points, and the Government "will be quite agreeable to signing it in its present form."

Belgium. "Happy to pay her tribute to the idea inspiring the draft treaty." The text "commands the full approbation of the Royal Government." It notes "that the proposed pact will maintain unimpaired the rights and obligations arising from the Covenant of the League of Nations and from the Locarno agreements, which constitute for Belgium fundamental guaranties of security."

Canada. "Cordially accepts the treaty as revised and is prepared to participate in its signature."

Czechoslovakia. M. Béneš had several times emphasized "the political necessity of associating [in the negotiations] the other powers, and especially those who have assumed obligations at Locarno in 1925." It is clear that the treaty is not in opposition to the provisions of the Covenant, Locarno "or the neutrality treaties," nor those of other Czechoslovak treaties. Notes that the treaty will not benefit the violator and that the right of self-defense [1] "is in no way weakened nor restricted." Defines the purpose of the treaty as the renouncing of "war as an instrument of their national policy aimed to satisfy their selfish interests." Rejoices that participation is

[1] The French text of the note uses the phrase "légitime défense."

possible for other states "in order to invest it with as universal a character as possible." Is ready to sign the text.

France. Is in accord with the new stipulations of the preamble. Notes the interpretations intended to satisfy the French observations to the effect that the right of self-defense [1] is maintained intact; that the treaty is not "in opposition to the provisions of the Covenant of the League of Nations nor with the treaties of neutrality;" that violation automatically releases the parties with respect to a treaty-breaking state and finally the opening of the text to the Locarno and other states. France finds "that the new convention is compatible with the obligations of existing treaties to which France is otherwise a contracting party." "It is now entirely disposed to sign the treaty as proposed."

Germany. Agrees to the changes in the preamble; agrees with the interpretation given in the note of June 23 and "is accordingly ready to sign this pact in the form now proposed."

Great Britain. Recalls the stress previously laid by the Government on the automatic release of treaty-breaking states in case of violation of the treaty and its inability to agree to anything "which would weaken or undermine the Covenant of the League and the Locarno treaties," the "foundation of the policy of the Government." Notes that these points have been met; accepts the new treaty "upon the understanding that it does not prejudice" the Government's "freedom of action" in respect "to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety." Trusts that a general invitation will be extended to all Members of the League to become parties to the treaty. Is glad to join in signing a definitive treaty.

India. The Government associates itself "whole-heartedly and most gladly with the terms" of the British note.

[1] The French text in the note for this phrase is "défense personnelle," not "légitime défense" as elsewhere.

Irish Free State. The Government had previously concluded that neither the right of self-defense nor commitments under the Covenant were in any way prejudiced. The revised draft "is equally acceptable." The Government is prepared to sign it, hopes that it may meet the approbation of the other Governments and "may subsequently be accepted by all the other powers of the world."

Italy. Agrees with the interpretation of the treaty in the note of June 23 and "on this premise declares that it is disposed to proceed to the signature thereof."

Japan. Gives "full concurrence to alterations now proposed" and is ready to prepare for signature.

New Zealand. Associates itself with the British note and "will have the utmost satisfaction" in signing the treaty.

Poland. Accepts the text and is ready to affix its signature; takes note of the statements that it does not affect the right of "legitimate defense" and is not incompatible with "the obligations deriving from the Covenant of the League." Further notes that a "state signatory to the pact, which may endeavor to realize its national interests by means of war, shall be deprived" of its benefits.

South Africa. Notes preservation of the right of "legitimate self-defense," the forfeiture by a violator of the treaty's benefits, and the fact that the treaty is open to all states. Has concluded "that the objects which the League of Nations was constituted to help can best be promoted by Members of the League of Nations participating in the proposed treaty." Has great pleasure in expressing its willingness to sign.

III. ENTRANCE OF THE TREATY INTO FORCE

1. Signing and Extension to the World

August 27, 1928, was the date set for the signing of the treaty and Paris as the place. There in the Salle de l'Horloge at the Foreign Office, above which flew the flags of all nations, the 15 plenipotentiaries of the negotiators affixed their signatures to an engrossed copy of the treaty in a memorable ceremony.

The selection of the place for signing was a tribute to the part which Aristide Briand, the French foreign minister, had taken in the initiation and the conduct of the negotiations then brought to completion. He opened the ceremony with an address instinct with his customary eloquence. He recalled the long struggle for peace, paid tributes to the delegates present, recalled the part which Mr. Kellogg had played in the negotiations, and feelingly referred to the presence of the German foreign minister in Paris for the first time in more than 50 years as an earnest of the new era which the treaty itself was intended to establish. He defined the signing of the treaty as marking a new date in the history of humanity. War was being shorn of "its most serious danger, its legitimacy." He found that the new engagement offered "a kind of general reinsurance" to the League of Nations, which was itself an "undertaking of insurance against war and a powerful institution of organized peace." He predicted that the single psychological fact of forsaking "the habit of associating the idea of national prestige and national interest with the idea of force" would not be the least important factor of future evolution. "Peace is proclaimed," he said. "That is well; that is much; but it still remains necessary to organize it. In the solution of difficulties, right and not might must prevail." And, noting that all present had

been engaged in the World War, he proposed that the act of signing should be consecrated "to the dead — to all the dead (turning to his German colleague) — of the Great War." The signing of the document followed.

The American Secretary of State, Frank B. Kellogg, journeyed to Paris for the occasion and had been presented by the municipality of Le Havre on landing with the gold pen by which all the delegates signed the treaty. Mr. Kellogg made the trip from Washington to Paris expressly in order to participate in the ceremony. This exclusive object of the trip was emphasized by his declination to discuss any public business while abroad. The only ceremonial exception was a visit to the capital of the Irish Free State. In line with the insistently exclusive purpose of his trip and to offer no occasion for comment upon American-European relations, he declined to speak at the ceremony of signing the treaty.

The signatures were affixed at Paris on a Monday, the occasion preceding by a week the opening of the Ninth Assembly of the League of Nations and by three days a regular meeting of its Council. It had been timed to suit the convenience of the majority of the signatories, who were due to attend one or other of the League meetings, and who left Paris promptly for Geneva. When the delegates of Members of the League got together in the Assembly, the general treaty was, therefore, a signed reality, and the Assembly proceeded with the assurance that its pledges were a part of the structure of international relations on which the organization of peace could be based.

Forty-nine Invitations to Adhere

The United States Department of State had printed all of the correspondence resulting in determination of the final text of the treaty and had transmitted it to every capital in which it had accredited representatives. Simultaneously with the ceremony of signing at Paris on August 27, the American missions abroad were instructed to hand that correspondence to the Governments of all states not

represented at the signing and to accompany it with a telegraphed note of invitation to adhere to the instrument. This procedure was followed in the case of 48 Governments. Since the United States had no representative accredited to the Government of the Soviet Union, the French Government was asked to transmit the invitation and correspondence to the appropriate officials at Moscow through its ambassador there. Those 49 Governments received the invitation to adhere to the general treaty at practically the same moment when the 15 negotiators signed it. By extending an invitation to "adhere," it was technically indicated that the invitation did not carry with it the possibility of altering the text or of accepting it otherwise than as a whole.[1]

The response to this invitation was immediate. Within 10 days 25 states in addition to the signatories had signified their intention to adhere, including the Soviet Union which had taken particular pains to be prompt, as well as somewhat critical. Intentions to adhere were steadily notified to the Department of State as the designated depository of the treaty in the following months, the delays in most cases being due to mailing communications to Washington or the requirements of internal formalities in some states. When Chile, which had awaited the action of the United States Senate before replying, notified its intention to adhere in January, 1929, a total of 62 states had accepted the general treaty. The document had met the approval of practically the whole organized world.[2]

The two states which did not accept the invitation extended to them were the Argentine Republic and Brazil. Brazil responded promptly and cordially to the United States on August 28, but without committing itself. It rejoiced with the "authors of the great pact" at its signature. Its sincerity was the greater because the prin-

[1] If the invitation had been one of "accession," a liberty to accept the document with modifications would have been implied.

[2] The Sultanate of Hejaz and Nejd, the Imamate of Yemen and miniature states of Liechtenstein, Monaco and San Marino are the only portions of the globe to which, theoretically, invitations might have been extended.

ciples of the treaty, before being placed in the Brazilian constitution,[1] (1891) were already consecrated "in the conscience of the nation." It has been asserted outside of Brazil that the Government would have signed the treaty if it had been given the opportunity.[2]

It is generally known that the Argentine Government does not intend to recognize the Monroe doctrine in any of the senses in which it is usually discussed as a portion of United States policy. Until the Senate acted on the treaty, there was a doubt as to the interrelation between it and that document. The Senate report referring to the Monroe doctrine[3] is not an international document of which the Argentine or other Governments have been given official cognizance.

The Governments invited to adhere to the treaty for the most part responded in formal terms. Several, however, went beyond the usual complimentary expressions. A few, like the Rumanian Government, referred to the definitions of the scope of the treaty expressed in the Secretary of State's note of June 23. Others emphasized special points.

Among these were Afghanistan, Egypt and Persia, all of which assumed that the British note of May 19 in its reference to regions of special concern to that Government might have a bearing upon their own adherence. Afghanistan forwarded its adherence on the understanding that it "only bears on the text of the treaty" itself.

The phraseology of the British note of May 19 was adapted from a circular note of March 15, 1922, of the British Government respecting the status of Egypt,[4] which had been recognized by a declaration of February 28, 1922. In Egypt, this circumstance excited consid-

[1] The constitution of the Republic of the United States of Brazil, promulgated February 24, 1891, and amended September 3, 1926, provides:

Art. 34. "The national congress shall have sole power:

(11) To authorize the Government to declare war, when arbitration has failed or is impracticable, and to make peace."

[2] *The New York Times*, March 17, 1929, p. E7.

[3] See p. 68 [288].

[4] 116 British and Foreign State Papers, at p. 85.

erable interest, since the status described in the declaration was deemed there to have been a unilateral British act. Owing to political conditions, no cabinet was functioning, but on August 14, 1928, the presidents of the Egyptian Chamber and Senate forwarded a note in which they called the attention of the signatory states to their contention that "it is, therefore, not possible to include Egypt — if such has ever been the intention of Great Britain — among the regions to which reference is made in par. 10 of the British note." [1] When the Egyptian cabinet was reconstructed, it forwarded a note declaring full adhesion to the pact on September 3, in which it regarded the engagements contemplated to be "for Egypt the best guaranty of security and, therefore, of development in order and progress." It understood "that this adhesion does not entail recognition of any reservation whatever made in connection with this pact."

The Persian minister of foreign affairs on October 3 gave his "cordial accession" on the consideration "that the reservations made by certain powers can in no case and at no time lay Persia under any obligation to recognize any possible claims of a nature to infringe her territorial or maritime rights or possessions." That Government also communicated its note to the Secretariat of the League of Nations with the request that it be forwarded to Members of the League.

The Cuban Government was anxious to be the first state to announce adhesion to the pact. In a series of diplomatic notes, it expressed itself very cordially and announced the technical stages in the process of adhesion with extreme promptness.

The Hungarian Government, in signifying its intention to adhere, recalled that it had been forced to sign a peace treaty which "created an unjust situation" that was not "a suitable basis for natural and peaceful development." Satisfactory results, war being eliminated, would depend upon "some different yet efficacious means for the solution

[1] *L'Europe Nouvelle*, Vol. XI, p. 1171.

of crises evolved from unjust and unnatural conditions." Hungary, in adhering, supposed that the United States and other signatories "will seek to find the means of rendering it possible that in the future injustices may be remedied by peaceful means." On March 20, 1929, the Hungarian premier explained the meaning of this note to the Foreign Affairs Committee of the House of Deputies. He stated that Hungary desired to assert its intention to raise at an appropriate time the question of the peaceful revision of the treaty of Trianon and desired to avoid the implication that such a revision could be regarded as a *casus belli*. Hungary regarded the tacit acceptance of its note of October 6 by the signatories as definitely establishing its right to raise the question within the framework of the League Covenant and of the Briand-Kellogg pact.[1]

The Lithuanian Government, in giving its "complete approval and adhesion" to the pact recited its own engagements of a similar character and recounted its point of view respecting its controversy with Poland over Vilna.

The Soviet Union promptly responded to the invitation to adhere extended through the French Government. Its lengthy note of August 31, 1928, recalled its "systematic defense of the cause of disarmament" and its bilateral treaties [2] to renounce "not only the wars dealt with in the

[1] *The London Times*, March 22, 1929, p. 15.

[2] The treaties referred to are those with Turkey, December 17, 1925; Germany, April 24, 1926; Afghanistan, August 31, 1926; Lithuania, September 28, 1926; and Persia, October 1, 1927 (*European Economic and Political Survey*, Vol. I, No. 8, p. 17; League of Nations *Treaty Series*, Vol. LIII, p. 387; *Soviet Review*, Vol. IV, p. 181; League of Nations *Treaty Series*, Vol. LX, p. 153). The substance of these treaties, which also provide for arbitration or conciliation of differences, is sufficiently indicated by the treaty of nonaggression with Lithuania, which provides:

"Art. 2. The Lithuanian Republic and the Union of Socialist Soviet Republics undertake to respect in all circumstances each other's sovereignty and territorial integrity and inviolability.

"Art. 3. Each of the two contracting powers undertakes to refrain from any act of aggression whatsoever against the other party.

"Should one of the contracting parties, despite its peaceful attitude, be attacked by one or several third powers, the other contracting party undertakes not to support the other third power or powers against the contracting party attacked."

The Soviet Government first proposed this formula, together with the settlement of differences by peaceful means, at the conference convened by it at Moscow for the limitation of armament in December, 1922. For an illuminating discussion of these treaties see Malbone W. Graham, "The Soviet Security Treaties," Vol. 23, *American Journal of International Law*, p. 336.

Paris pact," but all mutual aggression and armed conflict. The Soviet Union found Art. 1 of the pact lacking in precision and clarity and especially stated that there must be a ban "on such military actions as, for example, intervention, blockade, military occupation of foreign territories, of foreign ports, etc." It could not accept any of the written limitations in the diplomatic correspondence, especially par. 10 of the British note of May 19.

While maintaining that the absence of obligations concerning disarmament left the pact insufficient, it was a step in bringing that question forcibly before all those participating in it and, as a consequence, the Government of the Soviet Union was ready to adhere. Its formal instrument of adhesion was dated September 6, 1928.

2. Action of the American Senate

The adhesion of the Soviet Union was the first to be recorded, the instrument being filed September 27, 1928. In subsequent months several other states filed their adhesions, but all the signatories and most of the adherents postponed their formal action until after they were assured that the United States Senate would give its advice and consent to ratification of the treaty.

The general treaty was submitted to the Senate by the President on December 4, 1928. The accompanying message stated that the treaty was transmitted to the Senate by the President "with a view to receiving the advice and consent of the Senate to ratification" of it. He named the 15 signers and stated that 44 other Governments had informed the United States "that they have taken the necessary steps to adhere to the treaty or that they intend so to do." The indorsement "of 59 of the 64 independent nations of the world" had thus been given to "this new movement for world peace." Moreover, it was receiving consideration by the other five states, and the President had "no reason to believe that any of them will refuse in due course to become a party to the treaty." The cor-

respondence relating to the treaty was transmitted with its text, and President Coolidge concluded:[1]

> The fact that I approve of the treaty is well known. I hope that it may come into force with the least possible delay, and I should be pleased if the Senate would take such action during the present session as to enable the United States to ratify the treaty before the expiration of my term of office.

The treaty was referred to the Senate Committee on Foreign Relations, from which it was reported into open executive session of the Senate on December 19. While it was before the committee, the text and the correspondence were examined with great care and quite critically. Secretary of State Kellogg appeared before the committee on December 7 and 11, making statements and submitting to questioning.[2] Senators George H. Moses of New Hampshire and James A. Reed of Missouri took a position in committee that the treaty should not be passed by the Senate without being accompanied by a statement on the part of the Senate. They and three or four other members of the committee disclaimed any intention of nullifying the provisions of the treaty by adding reservations to it, but held that an "interpretative resolution was necessary to safeguard the interests of the United States." The President made public statements in favor of prompt action without any modifications. The chairman of the committee was ready to report the treaty to the Senate at any time, but delayed action in order to avoid disagreement on the floor of the Senate.

On December 14, Senator Moses, for himself and Senator Reed, asked unanimous consent in the Senate to submit a resolution for reference to the Committee on Foreign Relations which read:[3]

[1] *Congressional Record*, Vol. 70, Part 1, p. 25.

[2] For stenographic transcript of his testimony, see *United States Daily*, December 29, 31, 1928, and official print by Government Printing Office.

[3] *Congressional Record*, Vol. 70, Part 1, p. 599.

Resolved, That the Senate of the United States declares that in advising and consenting to the multilateral treaty it does so with the understanding —

(1) That the treaty imposes no obligation on the United States to resort to coercive or punitive measures against any offending nation.

(2) That the treaty does not impose any limitations upon the Monroe doctrine or the traditional policies of the United States.

(3) That the treaty does not impair the right of the United States to defend its territory, possessions, trade or interests.

(4) That the treaty does not obligate the United States to the conditions of any treaty to which the United States is not a party.

The committee continued until December 18, when an informal poll of the committee on the floor of the Senate and in the cloakrooms resulted in a decision to report the treaty to the Senate.[1]

On December 19, Senator Borah reported the treaty back to the Senate for the executive calendar. "At the same time," he said, "I am directed to report, without recommendation, a resolution which will also go to the executive calendar." [2] The resolution which he reported was a revision made in committee of the Moses-Reed text of December 14. As reported to the Senate, it read: [3]

Resolved, That the Senate of the United States declares that in advising and consenting to the multilateral treaty it does so with the understanding —

(1) That the treaty does not impair or abridge the right of the United States to defend its territory or other vital interests in accordance with traditional American policies.

(2) That the treaty imposes no obligation on the United States to resort to coercive or punitive measures against any offending nation.

(3) That the treaty does not obligate the United States to the conditions of any treaty to which the United States is not a party.

(4) The Secretary of State is requested to forward a copy of this resolution to the representatives of the other powers.

[1] The 18 members of the committee were reported as follows in the press: For, Borah, Capper, Edge, Fess, Gillett, Johnson and Reed of Pennsylvania, Republicans; Swanson, George, Harrison, Pittman, Robinson of Arkansas and Walsh of Montana, Democrats; Shipstead, Farmer Labor, total: 14; against, Baird and Reed of Missouri, Democrats, total: 2; present and not voting, Moses and McLean, Republicans. (*New York Times*, December 19, 1928.)

[2] *Congressional Record*, Vol. 70, Part 1, p. 851.

[3] *New York Times*, December 20, p. 7.

Formal Report and Passage

General debate continued on the floor of the Senate after the Christmas holidays from January 3 until January 10, the body recessing each evening rather than adjourning. This procedure had the effect of making the treaty continuously the unfinished business. On January 10, Senator Borah had the treaty read as a preliminary to the formal perfecting of a resolution of ratification. It was known from the start that the treaty would pass the Senate, this being evidenced by the fact that both political parties were in favor of accepting it, and, as a consequence, only individual Senators would vote against it. The strategy of the proponents was not that of winning or losing, but simply of the avoidance of running counter needlessly to the relatively few opponents.

The latter at no time sought reservations. If the resolution quoted above had been passed, it would have expressed the view of the Senate alone. Formal action by that body, however, was opposed by the President and Secretary of State on the ground that it was both unnecessary and would place the United States in a somewhat embarrassing position. The opponents then proposed that one step in considering a treaty, which had not been taken, should be resorted to. This was that a report defining certain features of the treaty should be made from the Committee on Foreign Relations. The resolution submitted by the committee with the treaty was "the reason no further report was made."[1] The proposal respecting a committee report was at first that it should be either transmitted to foreign Governments or approved and accepted by formal motion in the Senate. Such action was objected to on the same grounds as a Senate resolution. In order to secure an interpretative report, Senators Moses and Reed held conferences with their colleagues and secured agreement that no motions to either effect would be made. Senator Borah was not willing, "even with that pledge, to go forward and

[1] Senator Borah, January 14, *Congressional Record*, Vol. 70, Part 2, p. 1659.

bring in a report," [1] because he felt that a report approved or transmitted to other parties "might be used to the injury of the treaty abroad." On the other hand, some 25 Senators had signed a statement circulated by Senator Bingham demanding such a report.[2]

On the morning of January 14, Senator Reed of Missouri had introduced a resolution as follows: [3]

> *Resolved*, That in view of the importance of the pending treaty (the so-called Kellogg-Briand treaty) and in view of the many different interpretations which have been placed upon said treaty by members of the Senate, and also in view of the fact that the Committee on Foreign Relations has not made any report giving its reasons for recommending ratification, the committee is respectfully requested to report to the Senate as soon as possible its views as to the proper interpretation of the treaty.

When the treaty came before the Senate later in the day, Senator Borah proposed a unanimous consent agreement to limit debate beginning the next day. There followed an extensive parliamentary discussion revolving around the acceptance of Senator Borah's motion, the position which Senator Reed's resolution would possess, the effect of recessing or adjourning, and other technicalities. The unanimous consent agreement was finally accepted, and, in the course of a review of the proceedings, it was made clear that Senators Bingham, Moses and Reed, who were insisting upon a report, no longer demanded that it be either transmitted abroad or approved by the Senate. The proceedings closed with that understanding.

On January 15, the Senate began with general debate. Senator Blaine called for an amendment to the resolution of ratification to the effect that advice and consent of the

[1] Senator Reed, January 14, *Congressional Record*, Vol. 70, Part 2, p. 1660.

[2] The statement, "signed by the 25 Senators and adhered to by others who did not care to affix their signatures," was as follows (*Congressional Record*, January 14, Part 2, p. 1666):

"We believe in the purposes and objectives of the Kellogg multilateral treaty. We believe that clarity of understanding regarding its inherent and declared functions is vital to its usefulness at home and abroad. To avoid reservations we believe the Foreign Relations Committee should report its official interpretation."

[3] *Congressional Record*, Vol. 70, Part 2, p. 1637.

Senate "is done with and in consideration of the understanding that any condition or reservation contained in the diplomatic notes exchanged during negotiations for the treaty shall not imply any admission of any reserve made in connection therewith and not a part of the text of the treaty." The resolution was rejected.

Senator Moses desired to withdraw his resolution, introduced December 19. Senator Harrison asked: "The resolution embodying the reservations?" Senator Moses replied, "No, embodying the understandings; there are no reservations any more."

Senator Borah had, during the morning, prepared a report from the Committee on Foreign Relations and now requested unanimous consent upon a time to vote. He then submitted the following report:[1]

"Your Committee on Foreign Relations reports favorably the treaty signed at Paris, August 27, 1928, popularly called the multilateral or Kellogg-Briand treaty. The two articles in this treaty are as follows:

"'ART. I. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"'ART. II. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.'

"The treaty in brief pledges the nations bound by the same not to resort to war in the settlement of their international controversies save in bona fide self-defense and never to seek settlement of such controversies except through pacific means. It is hoped and believed that the treaty will serve to bring about a sincere effort upon the part of the nations to put aside war and to employ peaceful methods in their dealing with each other.

"The committee reports the above treaty with the understanding that the right of self-defense is in no way curtailed or impaired by the terms or conditions of the treaty. Each nation is free at all times and

[1] Executive Report No. 1, 70th Cong., 2d Sess., *Congressional Record*, January 15, Vol. 70, p. 1730. Senator Harrison commented that he judged "that the State Department had no objection to the filing of the report, but would object to its adoption." Senator Borah stated in reply, "I am proceeding on my own responsibility."

regardless of the treaty provisions to defend itself, and is the sole judge of what constitutes the right of self-defense and the necessity and extent of the same.

"The United States regards the Monroe doctrine as a part of its national security and defense. Under the right of self-defense allowed by the treaty must necessarily be included the right to maintain the Monroe doctrine, which is a part of our system of national defense. Bearing upon this question and as to the true interpretation of the Monroe doctrine as it has always been maintained and interpreted by the United States, we incorporate the following:

"'We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. . . . It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness.' (President Monroe's message December 2, 1823.)

" 'The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinct form of government.' (Message from President Cleveland, December 17, 1895.)

" 'The doctrine is not international law, but it rests upon the right of self-protection, and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may, and frequently does, extend in its effect beyond the limits of the territorial jurisdiction of the State exercising it. . . . Since the Monroe doctrine is a declaration based upon this nation's right of self-protection, it can not be transmuted into a joint, or common, declaration by American states or any number of them.

" 'It is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy, or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the allied powers without endangering our peace and happiness, that "the United States can not behold such interposition in any form with indifference.' " (Hon. Elihu Root, July, 1914.)

" 'There are now three fundamental principles which characterize the policy of President Monroe as it was and as it is. First, the Monroe doctrine was a statement of policy originated and maintained by reason of self-interest, not of altruism. Second, it was justifiable by reason of the right of self-defense (which is a recognized principle of international law). Third, it called no new rights into being. Therefore, whenever it oversteps the principle of self-defense, reasonably interpreted, the right disappears and the policy is questionable because it

then violates the rights of others. . . . The Monroe doctrine is based upon the right of self-defense. This is the first law of nations as of individuals.' (Professor Theodore Woolsey, June, 1914.)

"The committee further understands the treaty does not provide sanctions, express or implied. Should any signatory to the treaty or any nation adhering to the treaty violate the terms of the same, there is no obligation or commitment, express or implied, upon the part of any of the other signers of the treaty to engage in punitive or coercive measures as against the nation violating the treaty. The effect of the violation of the treaty is to relieve the other signers of the treaty from any obligation under it with the nation thus violating the same.

"In other words, the treaty does not, either expressly or impliedly, contemplate the use of force or coercive measures for its enforcement as against any nation violating it. It is a voluntary pledge upon the part of each nation that it will not have recourse to war except in self-defense, and that it will not seek settlement of its international controversies except through pacific means. And if a nation sees proper to disregard the treaty and violate the same, the effect of such action is to take it from under the benefits of the treaty and to relieve the other nations from any treaty relationship with the said power.

"This treaty in no respect changes or qualifies our present position or relation to any pact or treaty existing between other nations or governments.

"This report is made solely for the purpose of putting upon record what your committee understands to be the true interpretation of the treaty, and not in any sense for the purpose or with the design of modifying or changing the treaty in any way or effectuating a reservation or reservations to the same."

The treaty was then read and passed article by article, and the Senate by a vote of 85 to 1, with nine Senators not voting,[1] passed the following resolution:[2]

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive A, 70th Congress, Second Session, a multilateral treaty for renunciation of war, signed in Paris August 27, 1928.

The belated report from the Committee on Foreign Relations was a summary of Senator Borah's introducing

[1] The Senate at the moment the vote was taken consisted of 95 members. It was stated by their colleagues on behalf of eight of those not voting that they would have voted yea if they had been present. On behalf of Senator Guy D. Goff of West Virginia no statement was made, nor was he regarded as present. Senator John J. Blaine of Wisconsin was the only Senator recorded in the negative.

[2] *Congressional Record*, Vol. 70, Part 2, p. 1731.

speech, or at least the net conclusions of it. Senators in debating on the floor held many views, depending upon their general outlook, the relative emphasis they laid upon Art. 1 or Art. 2 of the treaty, their attitude toward the good faith of other countries or toward international institutions such as the League of Nations and the Permanent Court of International Justice, as well as upon their belief or disbelief in the efficacy of naval power. Senator Borah stated that "the active virtue of the treaty lies in Art. 2," which "expresses its real object and scope." Senator Reed of Missouri defined the document as "an international kiss." Several Senators regarded the so-called British reservation as of great importance and some expressed distrust as to how it might be interpreted in the future. The Monroe doctrine was generally discussed, but extreme claims under it were notably lacking, and the statement concerning it in the Borah report very accurately reflects the views held concerning its meaning. The widest differences of opinion existed among the speakers as to the value of the treaty. Some regarded it as epoch-making in itself, others as futile because it provided no pledge of enforcement and still others that it had been "analyzed by its proponents practically into disintegration." [1] A widespread feeling existed that it was desirable to vote for the treaty because "its defeat will psychologically be a bad thing." [2]

3. Soviet Union Negotiates Moscow Protocol

On December 29, 1928, Maxim Litvinov, the Soviet commissar for foreign affairs, proposed to Poland as one of the signatories of the pact that they sign a protocol to bring it into force between them immediately following their own ratifications, without awaiting the entrance of the pact itself into force. An analogous proposal was made simultaneously to Lithuania, which had adhered to the pact, and would be made to Estonia, Finland and

[1] Senator Johnson, January 15, *Congressional Record*, Vol. 70, Part 2, p. 1728.
[2] Senator Glass, *Ibid.*, p. 1728.

Latvia as soon as they did so. In making this proposal, the Soviet Union called attention to its convocation of a disarmament conference in 1922 and recalled to Poland that it had taken the initiative on August 24, 1926, in proposing that the two Governments negotiate a treaty of nonaggression,[1] a proposal which still remained open.

On January 10, the Polish chargé d'affaires at Moscow replied to the Soviet note. Poland, after serious study, accepted the proposal in principle, provided it was agreeable to the other signatories of the Paris pact for it to do so. The Warsaw Government hoped to have assurances on this point without delay. Poland was astonished that the Soviet Union had omitted making its proposal also to Finland, Estonia, Latvia and Rumania and that it had on the other hand sent it to Lithuania, which has no common frontier with the Union and which, as the Soviet Government was aware, refuses to maintain diplomatic relations with Poland. The Warsaw Government recalled to the Soviet Union "that it has always maintained the prime necessity of discussing the problem of security in Eastern Europe, with all the interested states, for only in that way can effective guaranties be obtained for the maintenance of peace in that part of the world." [2]

In his reply of January 11, M. Litvinov explained that his reason for sending the proposal to Lithuania alone among the Baltic states was due to the fact that Lithuania was the only one of them which had then formally adhered to the treaty. He had, as a matter of fact, discussed the matter with their diplomatic representatives, but had not yet succeeded in assuring himself of the attitude of those states which, in any case, were not adjacent to Poland. As to Rumania, the Soviet Union pointed out that diplomatic relations did not exist between the two countries; but, in adhering to the Paris pact, the Moscow Government had taken full account of the fact that the similar adherence of Rumania to it involved also a mutual

[1] *Le Temps*, January 2–3, 1929; *Soviet Union Review*, VII, p. 30; *L'Europe Nouvelle*, March 9, 1929, p. 321 *ff.*

[2] *Le Temps*, January 12, p. 1.

undertaking with respect to Bessarabia. This was "the obligation of renouncing war methods as an instrument for the settlement of differences from the time when Rumania should have adhered to the pact, notwithstanding that the latter does not eliminate litigious questions existing between the two countries." The Soviet Union was entirely willing to accept this obligation under its own protocol and did not consider the momentary absence of Rumania from the negotiations as an adequate reason for Poland's hesitating in accepting it.[1]

The Rumanian minister of foreign affairs, Georges Mironescu, on January 14 answered an interpellation on the Government's attitude toward the Russian proposal. The Soviet protocol, he said, would have no object as soon as the pact itself was ratified, and Rumania intended to take that action as soon as possible. On the other hand, Rumania had never committed an aggression itself and expected nothing from war. The Rumanian foreign minister stated that what he regarded as Soviet reservations [2] "deeply undermine the various clauses of the pact." This was because of the Soviet interpretation of the word "war," to which is given a much wider sense than is generally understood in other states. "All military action such as intervention or a blockade, as well as the armed occupation of a foreign territory, even the refusal of normal pacific relations or the simple interruption of these relations, are considered by the Soviets as falling within the definition of the idea of war." [3]

The protocol itself was signed at Moscow on February 9, 1929,[4] by the representatives of Estonia, Latvia, Poland, Rumania and the Soviet Union. The chief effect of this action was the creation of a new attitude in Eastern Europe, expressed as follows by the Rumanian foreign minister to his parliament as the spokesman of the country principally

[1] *Le Temps*, January 13, p. 8; *L'Europe Nouvelle, loc. cit.*, p. 323.

[2] See the note of August 31, 1928, *infra*, p. 167 [387].

[3] *Le Temps*, January 16, p. 2.

[4] For the text see Appendix, p. 177 [397].

concerned in the Bessarabian question: "The rumors concerning an eventual attack by Poland and Rumania against Russia or an attack on these two countries by Russia have created a state of uncertainty resulting in unfavorable political and economic consequences. By the signature of the protocol, the peoples of this part of Europe are solemnly pledged not to resort to war and to settle their differences by peaceful methods."

An exchange of notes between the Soviet and Turkish Governments on February 26–27 resulted in Turkey adhering to the protocol, since "the initiative corresponds in all respects to the peaceful policy which Turkey persistently and sincerely pursues." [1] Invitations were issued to Finland and Persia following their formal action on the Paris treaty, and were accepted.

The protocol by April 15 was in force between eight states, the Soviet Union and seven of its neighbors, Estonia, Finland, Latvia, Persia, Poland, Rumania and Turkey.[2] The protocol was registered with the Secretariat of the League of Nations by Poland on May 16, 1929.

4. Ratifications and Adhesions

The number of states signing or invited to adhere to the Paris pact was the largest ever called upon to adopt a single important treaty at substantially the same time. It was, therefore, inevitable that the procedure of ratification under widely varying constitutional systems should attract some attention. By the terms of the treaty its entrance into force depended upon the deposit of the ratifications of all the 15 signatory states. The instruments of adhesion of the 47 states accepting invitations to become parties to the treaty corresponded in effect to the instruments of ratification of the signatories. They became effective on the entrance of the treaty into force or subsequently on the date of their deposit.

[1] *Soviet Union Review*, VII, p. 57.

[2] M. Litvinov at session of Preparatory Commission for the Disarmament Conference.

States invited to adhere on August 27 began completing their adhesions forthwith. The first of these to deposit an adhesion was the Union of the Socialist Soviet Republics, where the document of September 6 needed only the approval of the praesidium of the Central Executive Committee. Altogether, some 11 adhesions had been effected by the time the United States Senate had advised and consented to ratification.

The United States Senate passed its resolution on January 15, and on January 17 the President formally ratified the treaty. This fact was cabled to all of the signatories, which immediately set their appropriate machinery to work.

The most interesting ratification was the collective one of the members of the British Empire. This collective ratification was made on behalf of His Britannic Majesty acting on the advice of the several Governments of His Majesty. The ratifications of the five self-governing dominions were authorized by parliamentary action. Respecting the ratification of the United Kingdom of Great Britain and Northern Ireland, the Secretary for Foreign Affairs made this statement in the House of Commons on January 28: "The opinion of both Houses of Parliament from the first declared itself so strongly in favor of ratification, and this view was so unanimously expressed in the course of the debates which have already taken place, that any further discussion of the treaty appears to His Majesty's Government unnecessary."

In France, the treaty did not constitutionally require action by Parliament. However, the Government desired to give added weight to the executive ratification by an expression of parliamentary approval. The treaty was submitted to the Chamber, which on March 1 voted for it 570 to 12, while the Senate vote on March 29 was unanimous.

In Japan, an opposite situation arose, a question of constitutionality being raised, because the treaty was held to be disrespectful to the Emperor. By the Japanese con-

stitution, the Emperor, not the people, is the sovereign and the words "in the name of their respective peoples" of the pact were argued to be in conflict with the imperial prerogative in treaty making, the Japanese word "people" having the distinct meaning of "subjects" rather than referring to the nation collectively. Ratification of the treaty depended upon the advice of the Privy Council, in which the controversy continued from mid-February to June 26.[1]

The other signatories all ratified following parliamentary sanction, with the exception of Italy, where the document was made effective solely by royal decree.

The procedure in the adhering states varied all the way from Ethiopia, where the emperor acted solely in his own right, to Switzerland, where the constitutional situation was quite complicated. The Federal Council's message [2] on the treaty stated that, since it was not limited as to duration, the document was subject to referendum, if the requisite popular petition was presented. If an authorizing law were passed by the Federal Assembly, it would be necessary to wait 90 days for the referendary period to expire. To avoid such a delay the Federal Council asked that no law be passed but that the two chambers empower it to notify "Washington of the adhesion of Switzerland when it deems this opportune." The requisite parliamentary action was completed on June 6, 1929.

The Senate of the Free City of Danzig decided on May 1, 1929, on its own motion, to adhere to the treaty.

The several stages of action on the treaty with respect to each signatory or adhering state as of June 1, 1929, is given in the following table:

[1] The text of the declaration, referred to in the instrument of ratification of June 27, reads:

"The Imperial Government declare that the phraseology 'in the names of their respective peoples,' appearing in Art. 1 of the treaty for the renunciation of war, signed at Paris on August 27, 1928, viewed in the light of the provisions of the Imperial Constitution, is understood to be inapplicable in so far as Japan is concerned."

[2] *Le Temps*, December 22, 1928.

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Status of General Treaty for Renunciation of War

(Corrected to July 24, 1929)

An asterisk (*) denotes signatory parties.

	Invited	Signed, or Signified Intention to Adhere	Parliamentary Action	Ratification or Adhesion	Deposit or Receipt	In Force
	1928					
Afghanistan	Aug. 27	Nov. 5, '28		Oct. 3, '28	Nov. 30, '28 [1]	July 24, '29
Albania	Aug. 27		Dec. 17, '28	Dec. 27, '28	Feb. 13, '29 [1]	July 24, '29
Argentina	Aug. 27					
*Australia	May 22	Aug. 27, '28		Feb. 1, '29	Mar. 2, '29	July 24, '29
Austria	Aug. 27	Aug. 29, '28		Nov. 28, '28	Dec. 31, '28 [1]	July 24, '29
*Belgium	June 23	Aug. 27, '28	Mar. 12, '29 Mar. 13, '29	Mar. 14, '29	Mar. 27, '29 [1] [2]	July 24, '29
Bolivia	Aug. 27					
Brazil	Aug. 27					
Bulgaria	Aug. 27	Sept. 6, '28	May 24, '29		July 24, '29	July 24, '29
*Canada	May 22	Aug. 27, '28	Feb. 22, '29 Feb. 15, '29	Feb. 19, '29	Mar. 2, '29	July 24, '29
Chile	Aug. 27	Jan. –, '29				
China	Aug. 27	Sept. 12, '28	Feb. 18, '29	Mar. 8, '29	May 8, '29 [1]	July 24, '29
Colombia	Aug. 27	Signified				
Costa Rica	Aug. 27	Aug. 30, '28	July 23, '29		[2]	

[1] The effective date of deposit for adherents is the date of entrance into force; the date given is that of receipt by the Department of State.

[2] Ad referendum.

STATUS OF GENERAL TREATY FOR RENUNCIATION OF WAR — *Continued*

	Invited	Signed, or Signified Intention to Adhere	Parliamentary Action	Ratification or Adhesion	Deposit or Receipt	In Force
	1928					
Cuba	Aug. 27	Aug. 28, '28	Dec. 13, '28	Mar. 6, '29	Mar. 13, '29 [1]	July 24, '29
*Czechoslovakia	June 23	Aug. 27, '28		Jan. 23, '29	Mar. 2, '29	July 24, '29
Danzig			Apr. 30, '29			
Denmark	Aug. 27	Aug. 29, '28	Mar. 1, '29	Mar. 2, '29	Mar. 23, '29 [1]	July 24, '29
Dominican Republic	Aug. 27	Sept. 5, '28	Oct. 18, '28	Nov. 12, '28	Dec. 12, '28 [1]	July 24, '29
Ecuador	Aug. 27	Nov. 11, '28				
Egypt	Aug. 27	Sept. 3, '28		Mar. 28, '29	May 9, '29 [1]	July 24, '29
Estonia	Aug. 27	Sept. 3, '28	Feb. 8, '29		July 24, '29	July 24, '29
Ethiopia	Aug. 27	Sept. 4, '28		Oct. 28, '28	Nov. 28, '28 [1]	July 24, '29
Finland	Aug. 27	Sept. 4, '28	Mar. 22, '29	Adhesion	July 24, '29	July 24, '29
*France	Proposed [2]	Aug. 27, '28	Mar. 1, '29 Mar. 29, '29	Apr. 6, '29	Apr. 22, '29	July 24, '29
*Germany	Apr. 13	Aug. 27, '28	Feb. 6, '29	Feb. 12, '29	Mar. 2, '29	July 24, '29
*Great Britain	Apr. 13	Aug. 27, '28		Jan. 28, '29	Mar. 2, '29	July 24, '29
Greece	Aug. 27	Sept. 7, '28	Feb. 14, '29		†	†
Guatemala	Aug. 27	Sept. 7, '28	Approved		May 14, '29 [3]	July 24, '29
Haiti	Aug. 27	Sept. 5, '28		Adhesion		
Honduras	Aug. 27	Sept. 4, '28	Mar. 1, '29	May 9, '29	†	†
Hungary	Aug. 27	Oct. 11, '28	June 19, '29	July 6, '29	July 24, '29	July 24, '29
Iceland	Aug. 27	Oct. 29, '28		May 14, '29		July 24, '29
*India	May 22	Aug. 27, '28		Feb. 1, '29	Mar. 2, '29	July 24, '29

*Irish Free State	May 22	Aug. 27, '28	Feb. 21, '29 Feb. 22, '29	Feb. 19, '29	Mar. 2, '29	July 24, '29
*Italy	Apr. 13	Aug. 27, '28	Jan. 31, '29	Feb. 11, '29	Mar. 2, '29	July 24, '29
*Japan	Apr. 13	Aug. 27, '28	June 26, '29	June 27, '29	July 24, '29	July 24, '29
Latvia	Aug. 27	Sept. 4, '28	Feb. 12, '29		July 24, '29	July 24, '29
Liberia	Aug. 27			Dec. 3, '28 [1]	Feb. 23, '29 [1]	July 24, '29
Lithuania	Aug. 27	Aug. 28, '28	Jan. 22, '29	Jan. 22, '29	Apr. 5, '29 [1]	July 24, '29
Luxemburg	Aug. 27	Aug. 31, '28 [3]			[3]	
Mexico	Aug. 27	Sept. 15, '28				
Netherlands	Aug. 27	Aug. 31, '28	Mar. 2, '29 Apr. 25, '29	May 11, '29	July 24, '29	July 24, '29
*New Zealand	May 22	Aug. 27, '28		Feb. 1, '29	Mar. 2, '29	July 24, '29
Nicaragua	Aug. 27	Sept. 17, '28	Mar. 8, '29	Apr. 17, '29		July 24, '29
Norway	Aug. 27		Feb. 15, '29	Feb. 22, '29	Mar. 26, '29 [1]	July 24, '29
Panama	Aug. 27	Aug. 31, '28	Dec. 14, '28	Jan. 18, '29	Feb. 25, '29 [1]	July 24, '29
Paraguay	Aug. 27	Signified			Nov. 12, '28 [3]	
Persia	Aug. 27	Nov. 23, '28	Apr. 17, '29	Adhesion	July 25, '29	July 25, '29
Peru	Aug. 27	Aug. 27, '28	July 4, '29		July 24, '29	July 24, '29
*Poland	June 23	Aug. 27, '28	Feb. 7, '29	Mar. 1, '29	Mar. 25, '29	July 24, '29
Portugal	Aug. 27	Sept. 4, '28		Nov. 22, '28	Mar. 1, '29 [1]	July 24, '29
Rumania	Aug. 27	Sept. 4, '28	Jan. 31, '29 Feb. 1, '29	Mar. 4, '29	Mar. 21, '29 [1]	July 24, '29
Salvador	Aug. 27	Oct. 2, '28				

[1] The effective date of deposit for adherents is the date of entrance into force; the date given is that of receipt by the Department of State.

[2] Bilateral draft of June 10, 1927.

[3] Ad referendum.

† Instrument of adhesion en route to Washington July 24, 1929, for immediate deposit.

STATUS OF GENERAL TREATY FOR RENUNCIATION OF WAR — *Concluded*

	Invited	Signed, or Signified Intention to Adhere	Parliamentary Action	Ratification or Adhesion	Deposit or Receipt	In Force
	1928					
Serb-Croat-Slovene State	Aug. 27	Sept. 4, '28		Jan. 28, '29	Feb. 26, '29 [1]	July 24, '29
Siam	Aug. 27	Sept. 18, '28		Oct. 15, '28	Jan. 17, '29 [1]	July 24, '29
*South Africa	May 22	Aug. 27, '28	Jan. 28, '29	Feb. 1, '29	Mar. 2, '29	July 24, '29
Soviet Union	Aug. 27	Aug. 31, '28		Sept. 6, '28	Sept. 27, '28 [1]	July 24, '29
Spain	Aug. 27	Sept. 11, '28	Feb. 18, '29	Feb. 21, '29	Mar. 7, '29 [1]	July 24, '29
Sweden	Aug. 27	Sept. 3, '28	Feb. 19, '29 Mar. 16, '29	Mar. 22, '29	Apr. 12, '29 [1]	July 24, '29
Switzerland	Aug. 27	Aug. 30, '28	June 5–6, '29		†	†
Turkey	Aug. 27	Sept. 9, '28	Jan. 19, '29	Adhesion	July 24, '29	July 24, '29
	1927					
*United States	June 20	Aug. 27, '28	Jan. 15, '29	Jan. 17, '29	Mar. 2, '29	July 24, '29
	1928					
Uruguay	Aug. 27	Aug. 31, '28				
Venezuela	Aug. 27	Sept. 14, '28			†	†

[1] The effective date of deposit for adherents is the date of entrance into force; the date given is that of receipt by the Department of State.

† Instrument of adhesion en route to Washington on July 24, 1929, for immediate deposit. The period in which a referendum may be invoked in Switzerland expires September 5, 1929.

IV. AMERICAN SYSTEM OF PACIFIC SETTLEMENT

The condemnation of "recourse to war for the solution of international controversies" and its renunciation "as an instrument of national policy" in Art. I of the anti-war treaty, are declarations by the contracting states "in the names of their respective peoples." They were enunciated solemnly as an ideal intended to be "arresting and appealing just because of its purity and simplicity."[1] Those declarations would be only of academic interest without further action to apply peaceful methods to settle disputes no longer properly referred to the method of war. Art. II of the treaty supplies such an obligation, for by it the "parties agree that the settlement or the solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

The pledge taken is, therefore, complete; but it does not contain the mechanism for realizing its purposes. The treaty can not be viewed by itself; it must be considered in connection with the systems of pacific settlement established by the states parties to it. Otherwise, its solemn pledges will appear to be more like pious wishes than serious engagements. The extent to which methods of pacific settlement control the relations between the contracting countries other than the United States has been described.

In December, 1927, when the United States replied to the French proposal, the arbitration treaty with France originally signed in 1908 was within a few months of expiration. That treaty was of the obsolescent type, excepting "national honor and vital interest" from its

[1] Mr. Kellogg's note of February 27, 1928, p. 109 [329].

operation. The United States at that time submitted separately a draft of a new treaty, which was signed on February 6, 1928, three weeks before the expiration of the old treaty. One of the Bryan treaties for the advancement of peace was in force with France so that the negotiation of the anti-war treaty proceeded with the combination of arbitration and conciliation treaties covering all possible disputes already in existence between the two countries.

Simultaneously, the United States began to perfect a system of pacific settlement treaties. In December, 1927, it had in force 13 bilateral arbitration treaties of the obsolescent 1908 style, 18 bilateral treaties for the advancement of peace (conciliation), the limited Central American conciliation convention of February 17, 1923, and the Pan American treaty of May 3, 1923, to prevent or avoid conflicts (conciliation). In February the resolution of the Pan American Habana Conference passed to the United States the duty of being host and of managing the Conference on Conciliation and Arbitration, which met in Washington December 10, 1928, to January 5, 1929. Of these treaties, those for the advancement of peace (conciliation) were in force until positive action should be taken denouncing them. Five of the arbitration treaties are in force until denounced,[1] and eight were due to expire within the period between February 27, 1928, and September 27, 1931.[2] The Central American treaty may continue in force beyond the initial 10-year period ending June 13, 1935. The Pan American convention remains in force indefinitely.

The Department of State, with these facts under its eye, began to recast its pacific settlement machinery by seeking to establish the French arbitration treaty as its standard for that type and by negotiating conciliation treaties to accompany them.

[1] Those with Brazil, Ecuador, Haiti, Peru and Uruguay.

[2] As follows: France, February 27, 1928; Great Britain, June 24, 1928; Japan, August 24, 1928; Liberia, September 27, 1931; Netherlands, March 25, 1929; Norway, June 24, 1928; Portugal, November 14, 1928; Sweden, March 18, 1930.

New Arbitration Treaty

The signing of the French arbitration treaty at Washington on February 6, 1928, marked the end of the period when the United States restricted arbitration to questions not involving "national honor and vital interest." It set up for the United States a new type of arbitral engagement which, in conjunction with conciliation treaties, is intended to furnish the mechanism for the pacific settlement of all international disputes as the consequence of renunciation of war. That treaty reads: [1]

The President of the United States of America and the President of the French Republic,

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have happily existed between the two nations for more than a century;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them;

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the powers of the world;

Having in mind the treaty signed at Washington on September 15, 1914, to facilitate the settlement of disputes between the United States of America and France;

Have decided to conclude a new treaty of arbitration enlarging the scope of the arbitration convention signed at Washington on February 10, 1908, which expires by limitation on February 27, 1928, and promoting the cause of arbitration and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America:

Mr. Robert E. Olds, Acting Secretary of State, and

The President of the French Republic:

His Excellency, Mr. Paul Claudel, Ambassador Extraordinary and Plenipotentiary of the French Republic to the United States, who having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

[1] Treaty Series No. 785. The treaty entered into force April 22, 1929.

ARTICLE I. Any disputes arising between the Government of the United States of America and the Government of the French Republic, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report, as prescribed in the treaty signed at Washington, September 15, 1914, to the permanent international commission constituted pursuant thereto.

ART. II. All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the above mentioned permanent international commission and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by and with the advice and consent of the Senate thereof, and on the part of France in accordance with the constitutional laws of France.

ART. III. The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(*a*) is within the domestic jurisdiction of either of the high contracting parties,

(*b*) involves the interest of third parties,

(*c*) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine,

(*d*) depends upon or involves the observance of the obligations of France in accordance with the Covenant of the League of Nations.

ART. IV. The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the French Republic in accordance with the constitutional laws of the French Republic.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless terminated by one year's written notice given by either high contracting party to the other.

In faith thereof, the respective plenipotentiaries have signed this

treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the sixth day of February in the year of Our Lord one thousand nine hundred and twenty-eight.

ROBERT E. OLDS. (Seal)
CLAUDEL. (Seal)

Considerable interest was attached to the attitude which the Senate might take upon the treaty. The Senate Committee on Foreign Relations examined the text with care and invited the Secretary of State to explain its provisions. One difficulty arose and was solved in consultation with the Secretary of State in a statesmanlike manner. Art. 1 of the treaty made clear the application of the arbitral (or judicial) and the conciliation jurisdictions to all disputes. It specifically mentions the subsisting conciliation treaty, which contains no exceptions from its jurisdiction. Art. 3 intends to contain exceptions from the arbitral procedure, but stipulates that "the provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which is within those exceptions." The question raised was whether that language would serve to except subjects from the jurisdiction of the 1914 conciliation treaty. That was clearly not the intention of the negotiators. There was considerable suspicion among the well-informed that the Senate would take advantage of the defective drafting to attempt to limit the conciliation treaties, and thus destroy the prospects of the developing program. Such suspicions were needless. The Senate on March 6 advised and consented to the ratification of the treaty without any change, but after an exchange of notes with France had taken place confirming that the new treaty did not "in the slightest degree" affect or modify the provisions of the treaty signed September 15, 1914.

CHANGES IN ARBITRAL SCOPE

As the simultaneous existence of the arbitration and conciliation treaties with the same states constitutes the

foundation on which the United States is placing its system of pacific settlement for the renunciation of war, it is appropriate to appraise the arbitration treaty as the newer element. The treaty is a new form of the limited arbitration treaty, and represents a technical improvement over its predecessors of 20 years before. As the contracting parties state in the preamble that they are "eager by their example . . . to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the powers of the world," it may be assumed that they foresee the time when they will substitute a more perfect arbitration treaty for the present engagement.

Art. I of the French treaty relates to the jurisdiction of the permanent international commission of conciliation established by the existent Bryan treaty. For purposes of clarity, it has been omitted in treaties subsequently signed. It is, however, certain that the arbitration and conciliation treaties are to be read together, even if not connected by their terms.

It will be remembered that President Taft in 1911 negotiated arbitration treaties distinguishing between justiciable and nonjusticiable disputes. It is interesting to note that the article of the new American treaties defining the arbitral jurisdiction is identic with the Art. I, par. 1, of the 1911 Taft treaties,[1] with a few drafting changes. The only significant change is that the new article is not

[1] *Arbitration and the United States*, World Peace Foundation Pamphlets, Vol. IX, Nos. 6–7, p. 526. The suggestion of using this formula was made as early as September, 1926. Except for the reference to procedure under Art. I in the Franco-American text, the new treaty conforms to the 1911 phraseology except as indicated by italics below:

"Art. I. All differences *hereafter arising between the high contracting* parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as shall (may) be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the *scope of the* powers *of the arbitrators*, the question or questions at issue, and settle the terms of reference *and the procedure thereunder.*

confined to "differences hereafter arising between the high contracting parties."

The United States Senate continues to insist upon defining the question at issue in any arbitral case which arises. The special agreement for each case is viewed as a treaty, subject to the advice and consent of the Senate. The language gives the other party the same reciprocal right; but the United States is the only country where a legislative opinion upon the arbitral character of a question is required in practice. Competent American opinion — the latest expression being by former Secretary of State Hughes — regards such a provision as unnecessary and unfortunate; but Senatorial opinion on the point is not likely to change until the public so demands.

The article devoted to exceptions represents an improvement, though raising some questions of its own. The 1908–09 American treaties excepted from arbitration questions which affect "the vital interests, the independence or the honor of the two contracting states" and "the interests of third parties." Twenty years ago it was only an extra precaution that led to the inclusion of the independence of a state as an exception from arbitration, for it was already recognized that questions of national independence were not cognizable any more than an individual's essential liberty is cognizable by municipal courts. The terms "honor and vital interest" were used in the Hague convention of 1899, because nothing better presented itself to the mind of Feodor Martens, the Russian jurisconsult, in securing international recognition for the commission of inquiry. However, since Secretary of State Knox in 1912 aptly stated that the terms "are not justiciably definable and mean whatever the particular nation involved declares them to mean," they have been obsolescent and completely discontinued outside of Anglo-Saxon countries.

In the new treaties there are four exceptions to arbitral jurisdiction. The first is questions "within the domestic jurisdiction of either of the high contracting parties."

In a way, the exception covers about the same subject matter as was intended to be covered by "national honor and vital interest." The new exception is, however, capable of exact and objective international definition at any given time and consequently need not cramp arbitral development. Moreover, as conditions change, questions once regarded as entirely domestic may be given an international aspect, according to the wisdom of the time. Of course, recognized domestic questions are legitimately excluded from international cognizance. The same exception is included in the Covenant of the League of Nations respecting the Council's handling a dispute, but there a definite method exists for arriving at an international determination of the claim.

The second exception is questions "involving the interests of third parties." This exception is implied in any treaty, and it is largely a matter of opinion whether its inclusion is a linguistic tautology. It scarcely restricts jurisdiction, its practical effect being rather to bring another party into an arbitration than to prevent an arbitration taking place.

The third exception excludes subject matter which "depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine." This provision has an interest of its own. The United States has insisted that the Monroe doctrine was "to be interpreted by the United States alone," this having been officially insisted upon as late as the Fifth International Conference of American States at Santiago, Chile, in 1923. It is obvious that technically the mention of the Monroe doctrine as an exception from arbitration makes its contents a legitimate subject of consideration in the negotiations of parties to bilateral treaties, from the operation of which it is excluded. The other party is at least entitled to know why the United States should hold that a given series of events depends upon or involves the doctrine, if the United States should claim that those events were not arbitrable on that account. The contents of the doctrine

had not been satisfactorily determined by the United States Government when the Franco-American treaty was made. In the course of years various presidents had restated it and added corollaries, while presidents and secretaries of state on public, but unofficial, occasions had described it without defining it. Compared with the discussion of it and the deductions of policy derived from it by publicists, the doctrine has been seldom cited as an actual basis of official action.

In anticipation of a Senate debate on the relation of the doctrine to the Paris treaty, the Under-Secretary of State, J. Reuben Clark, Jr., prepared a memorandum which was available to the Senate Committee on Foreign Relations. Drawing a conclusion from this, Senator Borah in his report on that treaty stated:

> The United States regards the Monroe doctrine as a part of its national security and defense. Under the right of self-defense allowed by the treaty must necessarily be included the right to maintain the Monroe doctrine, which is a part of our system of national defense.

And he further quoted an authority with approval:

> Whenever it oversteps the principle of self-defense, reasonably interpreted, the right disappears and the policy is questionable because it then violates the rights of others . . . The Monroe doctrine is based upon the right of self-defense. This is the first law of nations as of individuals.

The fourth exception is of subject matter "which depends upon or involves the observance of the obligations of France [etc.] in accordance with the Covenant of the League of Nations." The document in question is a specific text. The exception would apply only in case of action affecting American interests; but the other bilateral contractant must depend upon its fellow Members of the League for the meaning to be given to the document, in other words, upon an international decision.

The previous treaties were made for five-year periods. The new series will "remain in force continuously unless

and until terminated by one year's written notice." This gives certainty of relationship and at the same time flexibility, when revision is decided upon.

The United States was intrusted by a resolution of the Sixth Pan American Conference with convening a conference on conciliation and arbitration, which was to consider the establishment of compulsory arbitration. The conference was held from December 10, 1928, to January 5, 1929. It produced a conciliation convention, which was intended to complete the convention of Santiago of May 3, 1923, and it also produced an arbitration treaty. In this treaty the contracting parties bind themselves to submit to arbitration all differences of an international character which have arisen or may arise between them by virtue of a claim of right and which are susceptible of decision "by the application of the principles of law." Such juridical questions are defined as those embodied in the four categories to which the compulsory jurisdiction of the Permanent Court of International Justice applies. However, questions within the domestic jurisdiction of a party and which "are not controlled by international law," as well as those affecting interests of states not parties to the treaty, are excepted in general. The 20 signatories to this treaty were at liberty to specify additional exceptions in signing it. Many of them exercised this right.

Appointment of Conciliation Commissioners

The Bryan "treaties for the advancement of peace" of 1913–14, as has been stated, introduced into international relations a most fruitful formula. One of the essential conditions for realizing the purpose of all of them was the constant maintenance of the commission so that, in case of dispute, no subsidiary problem should arise as to the personnel of the commission. The commissions "shall be composed of five members;" they "shall be appointed" within a certain period; and "vacancies shall be filled." As a matter of fact, the commissions under the series of

21 treaties in force up to 1921 were never completed. While Mr. Bryan was Secretary of State, the appointment of commissioners went on apace, but from 1916 onward, the Department of State apparently completely forgot their existence. In 1926, an inquiry at the Department in person for a list of the commissioners necessitated rummaging for a list which, when found, was identical with one furnished for publication in 1916. Commissioners died without the fact apparently being known to either Government concerned.

The machinery for pacific settlement possessed by the United States was rusting out, and the Government paid no attention. Fortunately, in 1927, the Department of State definitely took hold of the task of completing the commissioners, and on May 12, 1928, the Department issued a list of appointees on behalf of the United States, which completed the system so far as its commissioners were concerned. Active negotiations for the appointment of joint commissioners and the completion of all appointments were under way, and the Department made definite provision for supervising future appointments as they might become necessary.

Network of Treaties

From the point of view of making the renunciation of war feasible through progress in pacific settlement, it is the spread of the network and the inclusive combination of the arbitration and conciliation treaties that is significant. Since the United States actually has under way negotiations with practically all its peers in the family of nations, the quantitative progress respecting bilateral treaties made speaks for itself. The value of the two treaties in combination justifies a word.

The limitations of the 1928 arbitration treaty, taken together in a technical sense, are only slightly less than those of the preceding formula of 1908. This is believed not to be of much practical importance. Whatever the

exceptions imply, they correspond closely to the present facts of American political relationships and policies. The primary consideration is to have a peace system coextensive with the range of disputes which may afford cause for war. The conciliation treaty is applicable to all differences which are not settled by diplomacy and which are not referred to arbitration, so that the system covers all possible war-breeding disputes between the parties. The exceptions to arbitration consequently mark a potential dividing line between methods employed for all disputes rather than a dividing line between disputes to be settled and those not to be settled by pacific means. Assuming mutual confidence and public support of the system, the most appropriate method is likely to be employed irrespective of the technical stipulations. The system opens the opportunity for the further development of arbitration and judicial settlement.

The coordinate parts of the treaty-making power in the United States are committed to the present program of pacific settlement, in the form of the arbitration treaty described and the old and standard form of conciliation treaty. The Department of State, therefore, immediately undertook negotiations with states with which arbitration treaties were particularly desired by reason of approaching expirations, and let it be known that it was willing to make arbitration treaties of the new type, as well as conciliation treaties, with any other states. Thus, the United States is recasting its mechanism of pacific settlement on a bilateral basis. This attitude met with response, and a large number of negotiations was begun. When completed, this network of treaties will be the mechanism by which the United States intends to give reality to the pledge of Art. II of the Briand-Kellogg treaty never to seek the solution of any disputes whatever except by pacific means.

The treaties of the United States are not, however, nearly as advanced as those that exist between other states. Since the Locarno agreements of 1925 practically no

limited treaties have been made. The popular form has more and more become a bilateral conciliation and arbitration treaty, by which all disputes were to be settled by one method or the other without specific exceptions.[1]

The following tabulation shows the network of American bilateral arbitration and conciliation treaties which is completed or in process of formation. In order to show more completely the status of American engagements, the relations established by the Central American and Pan American (Gondra) conventions of 1923 and the Pan American conciliation and arbitration treaties of 1929 are assimilated to the bilateral treaties. The table follows:

[1] For analysis of treaties, see League of Nations, *Arbitration and Security. Systematic Survey* . . . Part I (C. 653. M. 216. 1927. V. 29). The texts of 85 treaties are printed in the same volume.

Conspectus of Pacific Settlement Engagements of the United States

(Corrected to July 1, 1929)

	Arbitration			Conciliation		
	Negotiations begun for New Treaties	Signed	Entry into Force	Negotiations begun for New Treaties	Signed	Entry into Force
Albania	Apr. 24, '28	Oct. 22, '28	Feb. 12, '29	Apr. 24, '28	Oct. 22, '28	Feb. 12, '29
Argentina				Mar. 25, '23	May 3, '23 [1]	
Australia [2]	Dec. 27, '27			July 17, '13	Sept. 15, '14	Nov. 10, '14
Austria	Mar. 23, '28	Aug. 16, '28	Feb. 28, '29	Mar. 23, '28	Aug. 16, '28	Feb. 28, '29
Belgium	Mar. 26, '28	Mar. 20, '29	*	Mar. 26, '28	Mar. 20, '29	*
Bolivia [3]	Dec. 10, '28	Jan. 5, '29		July 17, '13	Jan. 22, '14	Jan. 8, '15
				Dec. 10, '28	Jan. 5, '29	
Brazil [3]	——	Jan. 23, '09	July 26, '11	July 17, '13	July 24, '14	Oct. 28, '16
				Mar. 25, '23	May 3, '23 [4]	Aug. 13, '24
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	
British Empire [2]	Dec. 27, '27			July 17, '13	Sept. 15, '14	Nov. 10, '14
Bulgaria	Apr. 20, '28	Jan. 21, '29	*	Apr. 20, '28	Jan. 21, '29	*
Canada [2]	Dec. 27, '27			July 17, '13	Sept. 15, '14	Nov. 10, '14
Chile [3]				Aug. 12, '13	July 24, '14	Jan. 19, '16
				Mar. 25, '23	May 3, '23 [4]	Sept. 23, '25
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	
China	Dec. 21, '28			July 17, '13	Sept. 15, '14	Oct. 22, '15
Colombia [3]				Mar. 25, '23	May 3, '23 [1]	
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	

Costa Rica [3]				Dec. 4, '22	Feb. 7, '23 [5]	June 14, '25
				Mar. 25, '23	May 3, '23 [1]	In force
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	
Cuba [3]				Mar. 25, '23	May 3, '23 [4]	Aug. 27, '24
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	
Czechoslovakia	Mar. 27, '28	Aug. 16, '28	Apr. 11, '29	Mar. 27, '28	Aug. 16, '28	Apr. 11, '29
Denmark	Mar. 22, '28	June 14, '28	Apr. 17, '29		Apr. 17, '14	Jan. 19, '15
Dominican Republic [3]				July 17, '13	May 3, '23 [4]	Feb. 22, '29
	Dec. 10, '28	Jan. 5, '29	May 23, '29	Dec. 10, '28	Jan. 5, '29	
Ecuador [3]	——	Jan. 7, '09	June 22, '10	Dec. 18, '13	Oct. 13, '14	Jan. 22, '16
				Mar. 25, '23	May 3, '23 [4]	Mar. 6, '29
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	

[1] The multilateral treaty to avoid or prevent conflicts between the American states signed at Santiago, Chile, May 3, 1923.

[2] The arbitration convention signed April 4, 1908, on behalf of "his Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India," expired by limitation June 4, 1928. It presumably applied to the self-governing component parts of the British Empire, with which consultations respecting a treaty in succession to it have been held by his Majesty's Government in Great Britain.

[3] Participated in the multilateral Pan-American Conference on Conciliation and Arbitration, Washington, December 10, 1928–January 5, 1929. The general convention on conciliation of January 5, 1929, was ratified and proclaimed by the United States April 4, 1929 (Treaty Series No. 780).

[4] The multilateral treaty to avoid or prevent conflicts between the American states signed at Santiago, Chile, May 3, 1923, has been signed and is in force with respect to this state. It enters into force "in the order of ratification;" the date of deposit is given in the table. The United States ratification was on April 21, 1924. J. Varela, Enrique Olaya and Ricardo Alfaro, respectively ministers of Uruguay, Colombia and Panama at Washington, are the northern commissioners.

[5] The convention between the United States and the Central American Republics signed at Washington establishing international commissions of inquiry and intended to "unify and recast" the treaties for the advancement of peace with: Costa Rica, February 13, 1914 (in force November 12, 1914); Guatemala, September 20, 1913 (in force October 13, 1914); Honduras, November 3, 1918 (in force July 27, 1916); Nicaragua December 17, 1913 (not in force); Salvador, August 7, 1913 (not in force).

* Ratification advised and consented to by United States Senate; exchange of ratifications and entrance into force pending on June 1, 1929.

Conspectus of Pacific Settlement Engagements of the United States — *Continued*

	Arbitration			Conciliation		
	Negotiations begun for New Treaties	Signed	Entry into Force	Negotiations begun for New Treaties	Signed	Entry into Force
Egypt	Aug. 16, '28			Aug. 16, '28		
Estonia	Apr. 16, '28			Apr. 16, '28		
Ethiopia		Jan. 26, '29	*		Jan. 26, '29	*
Finland	Apr. 9, '28	June 7, '28	Jan. 14, '29	Apr. 9, '28	June 7, '28	Jan. 14, '29
France	Dec. 28, '27	Feb. 6, '28	Apr. 22, '29	July 17, '13	Sept. 15, '14	Jan. 22, '15
Germany	Mar. 12, '28	May 5, '28	Feb. 25, '29	Mar. 12, '28	May 5, '28	Feb. 25, '29
Greece	Apr. 23, '28			Apr. 23, '28		
Guatemala [1]	Dec. 10, '28	Jan. 5, '29	*	Dec. 4, '22	Feb. 7, '23 [2]	June 14, '25
				Mar. 25, '23	May 3, '23 [3]	Oct. 5, '28
				Dec. 10, '28	Jan. 5, '29	
Haiti [1]	——	Jan. 9, '09	Nov. 15, '09	Mar. 25, '23	May 3, '23 [3]	July 22, '25
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	
Honduras [1]	Dec. 10, '28	Jan. 5, '29		Dec. 4, '22	Feb. 7, '23 [2]	June 14, '25
				Mar. 25, '23	May 3, '23 [4]	
				Dec. 10, '28	Jan. 5, '29	
Hungary	Mar. 23, '28	Jan. 26, '29	*	Mar. 23, '28	Jan. 26, '29	*
India [5]	Dec. 27, '27					
Italy	Mar. 8, '28	Apr. 19, '28	*	July 17, '13	May 5, '14	Mar. 19, '15
Irish Free State [5]	Dec. 27, '27					
Japan	Mar. 14, '28 [6]			Mar. 14, '28 [6]		

Latvia . . .	Apr. 6, '28			Apr. 6, '28		
Liberia . . .	——	Feb. 10, '26	Sept. 27, '26			
Lithuania . .	Apr. 5, '28	Nov. 14, '28		Apr. 5, '28	Nov. 14, '28	
Luxemburg . .	Sept. 5, '28	Apr. 6, '29	*	Sept. 5, '28	Apr. 6, '29	*
Mexico [1] . .	——	Feb. 2, 1848	May 30, 1848	Mar. 25, '23	May 3, '23 [4]	Oct. 21, '27
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	
Netherlands . .	Mar. 29, '28	Feb. 27, '29	Apr. 25, '29		Dec. 18, '13	Mar. 10, '28 [7]
New Zealand [5] .	Dec. 27, '27			July 17, '13	Sept. 15, '14	Nov. 10, '14

[1] Participated in the multilateral Pan-American Conference on Conciliation and Arbitration, Washington, December 10, 1928–January 5, 1929. The general convention on conciliation of January 5, 1929, was ratified and proclaimed by the United States April 4, 1929 (Treaty Series No. 780).

[2] The convention between the United States and the Central American Republics signed at Washington establishing international commissions of inquiry and intended to "unify and recast" the treaties for the advancement of peace with: Costa Rica, February 13, 1914 (in force November 12, 1914); Guatemala, September 20, 1913 (in force October 13, 1914); Honduras, November 3, 1918 (in force July 27, 1916); Nicaragua, December 17, 1913 (not in force); Salvador, August 7, 1913 (not in force).

[3] The multilateral treaty to avoid or prevent conflicts between the American states signed at Santiago, Chile, May 3, 1923, has been signed and is in force with respect to this state. It enters into force "in the order of ratification;" the date of deposit is given in the table. The United States ratification was on April 21, 1924. J. Varela, Enrique Olaya and Ricardo Alfaro, respectively ministers of Uruguay Colombia and Panama at Washington, are the northern commissioners.

[4] The multilateral treaty to avoid or prevent conflicts between the American states signed at Santiago, Chile, May 3, 1923.

[5] The arbitration convention signed April 4, 1908, on behalf of "His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India," expired by limitation June 4, 1928. It presumably applied to the self-governing component parts of the British Empire, with which consultations respecting a treaty in succession to it have been held by his Majesty's Government in Great Britain.

[6] Submission of texts takes place of combined arbitration and conciliation pact submitted in draft form on December 31, 1927.

[7] Ratification of this treaty was advised by the Senate on August 13, 1914. However, the Netherlands Government found that while the English text made it apply to "all disputes," the Dutch text specified all disputes "that may arise." (Exec. F, 70th Cong., 1st sess.) This circumstance was called to the attention of the United States Government and a declaration was finally signed on February 13, 1928, by which the parties "declare that the said Art. 1 is meant and is intended to apply, subject to the terms of that article, to all disputes between the two governments existing at the time of the taking effect of the treaty as well as to those arising thereafter." Following favorable action on this declaration by the Senate, the treaty and declaration were put into force (Treaty Series No. 760).

* Ratification advised and consented to by United States Senate; exchange of ratifications and entrance into force pending on June 1, 1929.

CONSPECTUS OF PACIFIC SETTLEMENT ENGAGEMENTS OF THE UNITED STATES — *Continued*

	ARBITRATION			CONCILIATION		
	Negotiations begun for New Treaties	Signed	Entry into Force	Negotiations begun for New Treaties	Signed	Entry into Force
Nicaragua [1]	Dec. 10, '28	Jan. 5, '29		Dec. 4, '22	Feb. 7, '23 [2]	June 14, '25
				Mar. 25, '23	May 3, '23 [3]	
				Dec. 10, '28	Jan. 5, '29	
Norway	Mar. 10, '28	Feb. 20, '29	June 7, '29	July 17, '13	June 24, '14	Oct. 21, '14
Panama [1]	Dec. 10, '28	Jan. 5, '29		Mar. 25, '23	May 3, '23 [4]	Mar. 19, '28
				Dec. 10, '28	Jan. 5, '29	
Paraguay [1]	Dec. 10, '28	Jan. 5, '29		——	Aug. 29, '14	Mar. 9, '15
				Mar. 25, '23	May 3, '23 [4]	May 20, '25
				Dec. 10, '28	Jan. 5, '29	
Persia	Nov. – '28			Nov. –, '28		
Peru [1]	——	Dec. 5, '08	June 29, '09	July 17, '13	July 14, '14	Mar. 4, '15
				Mar. 25, '23	May 3, '23	In force
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	
Poland	Mar. 28, '28	Aug. 16, '28		Mar. 28, '28	Aug. 16, '28	
Portugal	Mar. 21, '28	Mar. 1, '29	*	July 17, '13	Feb. 4, '14	Oct. 24, '14
Rumania	Apr. 23, '28	Mar. 21, '29	*	Apr. 23, '28	Mar. 21, '29	*
Russia				July 17, '13	Oct. 1, '14	Mar. 22, '15
Salvador [1]	Dec. 10, '28	Jan. 5, '29	*	Dec. 4, '22	Feb. 7, '23 [2]	
				Mar. 25, '23	May 3, '23 [3]	In force
				Dec. 10, '28	Jan. 5, '29	*

Serb-Croat-Slovene State	Apr. 25, '28	Jan. 21, '29	June 22, '29	Apr. 25, '28	Jan. 21, '29	June 22, '29
Siam	July 31, '28			July 31, '28		
South Africa [5]	Dec. 27, '27			July 17, '13	Sept. 15, '14	Nov. 10, '14
Soviet Union, see Russia						
Spain	Mar. 12, '28			July 17, '13	Sept. 15, '14	Dec. 21, '14
Sweden	——	June 24, '24	Mar. 18, '25 [6]	July 17, '13	Oct. 13, '14	Jan. 11, '15
	Apr. 26, '28	Oct. 27, '28	Apr. 15, '29			
Switzerland	Apr. 2, '28			Dec. 18, '13	Feb. 13, '14 [7]	

[1] Participated in the multilateral Pan-American Conference on Conciliation and Arbitration, Washington, December 10, 1928–January 5, 1929. The general convention on conciliation of January 5, 1929, was ratified and proclaimed by the United States April 4, 1929 (Treaty Series No. 780).

[2] The convention between the United States and the Central American Republics signed at Washington establishing international commissions of inquiry and intended to "unify and recast" the treaties for the advancement of peace with: Costa Rica, February 13, 1914 (in force November 12, 1914); Guatemala, September 20, 1913 (in force October 13, 1914); Honduras, November 3, 1918 (in force July 27, 1916); Nicaragua, December 17, 1913 (not in force); Salvador, August 7, 1913 (not in force).

[3] The multilateral treaty to avoid or prevent conflicts between the American states signed at Santiago, Chile, May 3, 1923.

[4] The multilateral treaty to avoid or prevent conflicts between the American states signed at Santiago, Chile, May 3, 1923, has been signed and is in force with respect to this state. It enters into force "in the order of ratification;" the date of deposit is given in the table. The United States ratification was on April 21, 1924. J. Varela, Enrique Olaya and Ricardo Alfaro, respectively ministers of Uruguay, Colombia and Panama at Washington, are the northern commissioners.

[5] The arbitration convention signed April 4, 1908, on behalf of "His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India," expired by limitation June 4, 1928. It presumably applied to the self-governing component parts of the British Empire, with which consultations respecting a treaty in succession to it have been held by His Majesty's Government in Great Britain.

[6] The treaty would have expired March 18, 1930.

[7] This treaty was advised and consented to by the United States Senate August 13, 1914; the exchange of ratifications was proposed by the United States on April 2, 1928.

* Ratification advised and consented to by United States Senate; exchange of ratifications and entrance into force pending on June 1, 1929.

Conspectus of Pacific Settlement Engagements of the United States — *Concluded*

	Arbitration			Conciliation		
	Negotiations begun for New Treaties	Signed	Entry into Force	Negotiations begun for New Treaties	Signed	Entry into Force
Turkey	Apr. 19, '28			Apr. 19, '28		
Uruguay [1]	——	Jan. 9, '09	Nov. 14, '13	Dec. 18, '13	July 20, '14	Feb. 24, '15
				Mar. 25, '23	May 3, '23 [2]	Apr. 18, '28
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	
Venezuela [1]				Dec. 18, '13	Mar. 21, '14	Feb. 12, '21
				Mar. 25, '23	May 3, '23 [2]	Mar. 15, '25
	Dec. 10, '28	Jan. 5, '29		Dec. 10, '28	Jan. 5, '29	

[1] Participated in the multilateral Pan-American Conference on Conciliation and Arbitration, Washington, December 10, 1928–January 5, 1929. The general convention on conciliation of January 5, 1929, was ratified and proclaimed by the United States April 4, 1929 (Treaty Series No. 780).

[2] The multilateral treaty to avoid or prevent conflicts between the American states signed at Santiago, Chile, May 3, 1923, has been signed and is in force with respect to this state. It enters into force "in the order of ratification;" the date of deposit is given in the table. The United States ratification was on April 21, 1924. J. Varela, Enrique Olaya and Ricardo Alfaro, respectively ministers of Uruguay, Colombia and Panama at Washington, are the northern commissioners.

APPENDIX I

I. FRANCO-AMERICAN NEGOTIATIONS ON THE RENUNCIATION OF WAR[1]

[Translation]

June 20, 1927.

1. Draft of Pact of Perpetual Friendship between France and the United States[2]

The President of the French Republic and the President of the United States of America,

Equally desirous of affirming the solidarity of the French people and the people of the United States of America in their wish for peace and in their renunciation of a recourse to arms as an instrument of their policy toward each other,

And having come to an agreement to consecrate in a solemn Act these sentiments as much in accord with the progress of modern democracies as with the mutual friendship and esteem of two nations that no war has ever divided and which the defense of liberty and justice has always drawn closer,

Have to this end designated for their plenipotentiaries, to wit,

The President of the French Republic

.....

The President of the United States of America

.....

Who, after having exchanged their powers, recognized in good and due form, have agreed upon the following provisions:

ART. 1. The high contracting powers solemnly declare, in the name of the French people and the people of the United States of America, that they condemn recourse to war and renounce it respectively as an instrument of their national policy toward each other.

ART. 2. The settlement or the solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise

[1] Reprinted from *General Pact for Renunciation of War, Text of the Pact as signed, Notes and other Papers,* (Washington, Government Printing Office, 1928).

[2] Transmitted to the Secretary of State by M. Briand through the American Ambassador at Paris.

between France and the United States of America, shall never be sought by either side except by pacific means.

ART. 3. The present Act shall be ratified. The ratifications thereof shall be exchanged at ..... as soon as possible and from that time it shall have full force and value.

In witness whereof the above-named plenipotentiaries have signed the present Act and have thereunto set their seal.

Done at ..... in two copies (each drawn up both in French and English and having equal force), the ..... nineteen hundred and twenty-seven.

(Signatures and seals)

2. The Secretary of State to the French Ambassador

WASHINGTON, *December 28, 1927.*

EXCELLENCY:

I have the honor to refer to the form of treaty entitled "Draft of Pact of Perpetual Friendship between France and the United States," which His Excellency the Minister of Foreign Affairs was good enough to transmit to me informally last June through the instrumentality of the American Ambassador at Paris.

This draft treaty proposes that the two powers should solemnly declare in the name of their respective peoples that they condemn recourse to war, renounce it as an instrument of their national policy toward each other, and agree that a settlement of disputes arising between them, of whatsoever nature or origin they may be, shall never be sought by either party except through pacific means. I have given the most careful consideration to this proposal and take this occasion warmly to reciprocate on behalf of the American people the lofty sentiments of friendship which inspired the French people, through His Excellency M. Briand, to suggest the proposed treaty.

The Government of the United States welcomes every opportunity for joining with the other governments of the world in condemning war and pledging anew its faith in arbitration. It is firmly of the opinion that every international endorsement of arbitration, and every treaty repudiating the idea of a resort to arms for the settlement of justiciable disputes, materially advances the cause of world peace. My views on this subject find a concrete expression in the form of the arbitration treaty which I have proposed in my note to you of December 28, 1927, to take the place of the arbitration convention of 1908. The proposed treaty extends the scope of that convention and records the unmistakable determination of the two Governments to prevent any breach in the friendly relations which have subsisted between them for so long a period.

In view of the traditional friendship between France and the United States — a friendship which happily is not dependent upon the exist-

ence of any formal engagement — and in view of the common desire of the two nations never to resort to arms in the settlement of such controversies as may possibly arise between them, which is recorded in the draft arbitration treaty just referred to, it has occurred to me that the two Governments, instead of contenting themselves with a bilateral declaration of the nature suggested by M. Briand, might make a more signal contribution to world peace by joining in an effort to obtain the adherence of all of the principal powers of the world to a declaration renouncing war as an instrument of national policy. Such a declaration, if executed by the principal world powers, could not but be an impressive example to all the other nations of the world, and might conceivably lead such nations to subscribe in their turn to the same instrument, thus perfecting among all the powers of the world an arrangement heretofore suggested only as between France and the United States.

The Government of the United States is prepared, therefore, to concert with the Government of France with a view to the conclusion of a treaty among the principal powers of the world, open to signature by all nations, condemning war and renouncing it as an instrument of national policy in favor of the pacific settlement of international disputes. If the Government of France is willing to join with the Government of the United States in this endeavor, and to enter with the United States and the other principal powers of the world into an appropriate multilateral treaty, I shall be happy to engage at once in conversations looking to the preparation of a draft treaty following the lines suggested by M. Briand for submission by France and the United States jointly to the other nations of the world.

Accept [etc.]

FRANK B. KELLOGG.

3. The French Ambassador to the Secretary of State

[Translation]

WASHINGTON, *January 5, 1928.*

MR. SECRETARY OF STATE:

By a letter of December 28 last, Your Excellency was kind enough to make known the sentiments of the Government of the United States concerning the suggestion of a treaty proposed by the Government of the Republic in the month of June 1927, with a view to the condemnation of war and the renunciation thereof as an instrument of national policy between France and the United States.

According to Your Excellency, the two Governments, instead of limiting themselves to a bilateral treaty, would contribute more fully to the peace of the world by uniting their efforts to obtain the adhesion of all the principal powers of the world to a declaration renouncing war as an instrument of their national policy.

Such a declaration, if it were subscribed to by the principal powers, could not fail to be an impressive example to all the nations of the world and might very well lead them to subscribe in their turn to the same pact, thus bringing into effect as among all the nations of the world an arrangement which at first was only suggested as between France and the United States.

The Government of the United States, therefore, would be disposed to join the Government of the Republic with a view to concluding a treaty between the principal powers of the world which, open to the signature of all nations, would condemn war, would contain a declaration to renounce it as an instrument of national policy and would substitute therefor the pacific settlement of disputes between nations.

Your Excellency added that if the Government of the Republic agrees thus to join the Government of the United States and the other principal powers of the world in an appropriate multilateral treaty, Your Excellency would be happy to undertake immediately conversations leading to the elaboration of a draft inspired by the suggestions of M. Briand and destined to be proposed jointly by France and the United States to the other nations of the world.

The Government of the Republic appreciated sincerely the favorable reception given by the Government of the United States to the proposal of M. Briand. It believes that the procedure suggested by Your Excellency and carried out in a manner agreeable to public opinion and to the popular sentiment of the different nations would appear to be of such nature as to satisfy the views of the French Government. It would be advantageous immediately to sanction the general character of this procedure by affixing the signatures of France and the United States.

I am authorized to inform you that the Government of the Republic is disposed to join with the Government of the United States in proposing for agreement by all nations a treaty to be signed at the present time by France and the United States and under the terms of which the high contracting parties shall renounce all war of aggression and shall declare that for the settlement of differences of whatever nature which may arise between them they will employ all pacific means. The high contracting parties will engage to bring this treaty to the attention of all states and invite them to adhere.

The Government of the Republic is convinced that the principles thus proclaimed cannot but be received with gratitude by the entire world, and it does not doubt that the efforts of the two Governments to insure universal adoption will be crowned with full success.

Accept [etc.]

CLAUDEL.

4. The Secretary of State to the French Ambassador

WASHINGTON, *January 11, 1928.*

EXCELLENCY:

In the reply which your Government was good enough to make to my note of December 28, 1927, His Excellency the Minister of Foreign Affairs summarized briefly the proposal presented by the Government of the United States, and stated that it appeared to be of such a nature as to satisfy the views of the French Government. In these circumstances he added that the Government of the Republic was disposed to join with the Government of the United States in proposing for acceptance by all nations a treaty to be signed at the present time by France and the United States, under the terms of which the high contracting parties should renounce all wars of aggression and should declare that they would employ all peaceful means for the settlement of any differences that might arise between them.

The Government of the United States is deeply gratified that the Government of France has seen its way clear to accept in principle its proposal that, instead of the bilateral pact originally suggested by M. Briand, there be negotiated among the principal powers of the world an equivalent multilateral treaty open to signature by all nations. There can be no doubt that such a multilateral treaty would be a far more effective instrument for the promotion of pacific relations than a mere agreement between France and the United States alone, and if the present efforts of the two Governments achieve ultimate success, they will have made a memorable contribution to the cause of world peace.

While the Government of France and the Government of the United States are now closely in accord so far as the multilateral feature of the proposed treaty is concerned, the language of M. Briand's note of January 5, 1928, is in two respects open to an interpretation not in harmony with the idea which the Government of the United States had in mind when it submitted to you the proposition outlined in my note of December 28, 1927. In the first place, it appears to be the thought of your Government that the proposed multilateral treaty be signed in the first instance by France and the United States alone and then submitted to the other powers for their acceptance. In the opinion of the Government of the United States this procedure is open to the objection that a treaty, even though acceptable to France and the United States, might for some reason be unacceptable to one of the other great powers. In such event the treaty could not come into force and the present efforts of France and the United States would be rendered abortive. This unhappy result would not necessarily follow a disagreement as to terminology arising prior to the definitive approval by any Government of a proposed form of treaty, since it is by no means unreasonable to suppose that the views of the governments con-

cerned could be accommodated through informal preliminary discussions and a text devised which would be acceptable to them all. Both France and the United States are too deeply interested in the success of their endeavors for the advancement of peace to be willing to jeopardize the ultimate accomplishment of their purpose by incurring unnecessary risk of disagreement with the other powers concerned, and I have no doubt that your Government will be entirely agreeable to joining with the Government of the United States and the governments of the other powers concerned for the purpose of reaching a preliminary agreement as to the language to be used in the proposed treaty, thus obviating all danger of confronting the other powers with a definitive treaty unacceptable to them. As indicated below, the Government of the United States would be pleased if the Government of France would agree that the draft treaty submitted by M. Briand last June should be made the basis of such preliminary discussions.

In the second place, and this point is closely related to what goes before, M. Briand's reply of January 5, 1928, in expressing the willingness of the Government of France to join with the Government of the United States in proposing a multilateral treaty for the renunciation of war, apparently contemplates that the scope of such treaty should be limited to wars of aggression. The form of treaty which your Government submitted to me last June which was the subject of my note of December 28, 1927, contained no such qualification or limitation. On the contrary it provided unequivocally for the renunciation by the high contracting parties of all war as an instrument of national policy in the following terms:

> ART. 1. The high contracting powers solemnly declare, in the name of the French people and the people of the United States of America, that they condemn recourse to war and renounce it respectively as an instrument of their national policy toward each other.
>
> ART. 2. The settlement or the solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise between France and the United States of America, shall never be sought by either side except by pacific means.

I am not informed of the reasons which have led your Government to suggest this modification of its original proposal, but I earnestly hope that it is of no particular significance and that it is not to be taken as an indication that the Government of France will find itself unable to join with the Government of the United States in proposing, as suggested above, that the original formula submitted by M. Briand which envisaged the unqualified renunciation of all war as an instrument of national policy be made the subject of preliminary discussions with the other great powers for the purpose of reaching a tentative agreement as to the language to be used in the proposed treaty.

If your Government is agreeable to the plan outlined above and is willing that further discussions of the terms of the proposed multilateral treaty be based upon the original proposal submitted to me by M. Briand last June, I have the honor to suggest that the Government of France join with the Government of the United States in a communication to the British, German, Italian and Japanese Governments transmitting the text of M. Briand's original proposal and copies of the subsequent correspondence between the Governments of France and the United States for their consideration and comment, it being understood, of course, that these preliminary discussions would in no way commit any of the participating Governments pending the conclusion of a definitive treaty.

Accept [etc.]

FRANK B. KELLOGG.

5. The French Ambassador to the Secretary of State

[Translation]

WASHINGTON, *January 21, 1928.*

MR. SECRETARY OF STATE:

Your Excellency was pleased to inform me in your note of the 11th instant, of the considerations suggested to you by my letter of January 5 in answer to your communication of December 28, 1927. My Government has asked me to express to you its satisfaction at the harmonizing, thanks to Your Excellency, of the views of the two Governments concerning the best method of accomplishing a project upon the essential principles of which they apparently are in agreement.

The original French proposal of June, 1927, contemplating an act confined to France and the United States, appeared to the French Government to be both desirable and feasible by reason of the historical relations between the two Republics.

The American Government was only willing, however, to embody the declaration proposed by the French Government in the preamble [1] of the Franco-American arbitration convention now in process of renewal, and considered on the other hand, for reasons of its own which the French Government has not failed to take into account, that it would be opportune to broaden this manifestation against war and to make it the subject of a separate act in which the other powers would be invited to participate.

The Government of the Republic was not opposed to this expansion of its original plan, but it could not but realize, and it felt bound to point out that the new negotiation as proposed would be more complex and likely to meet with various difficulties.

The question as to whether there would be any advantage in having such an instrument, of a multipartite nature, signed in the first place

[1] See p. 83 [303].

by France and the United States, or else first elaborated by certain of the principal powers of the world and then presented to all for their signature, is essentially one of procedure.

The Government of the Republic offered a suggestion upon this point only because of its desire more speedily and more surely to achieve the result which it seeks in common with the United States. This is tantamount to saying that it is ready to concur in any method which may appear to be the most practicable.

There is, however, a situation of fact to which my Government has requested me to draw your particular attention.

The American Government can not be unaware of the fact that the great majority of the powers of the world, and among them most of the principal powers, are making the organization and strengthening of peace the object of common efforts carried on within the framework of the League of Nations. They are already bound to one another by a Covenant placing them under reciprocal obligations, as well as by agreements such as those signed at Locarno in October, 1925, or by international conventions relative to guaranties of neutrality, all of which engagements impose upon them duties which they can not contravene.

In particular, Your Excellency knows that all states Members of the League of Nations represented at Geneva in the month of September last, adopted, in a joint resolution [1] tending to the condemnation of war, certain principles based on the respect for the reciprocal rights and duties of each. In that resolution the powers were led to specify that the action to be condemned as an international crime is aggressive war and that all peaceful means must be employed for the settlement of differences, of any nature whatsoever, which might arise between the several states.

This is a condition of affairs which the United States, while a stranger thereto, can not decline to take into consideration, just as must any other state called upon to take part in the negotiation.

Furthermore, the United States would not in any way be bound thereby to the provisions of the Covenant of the League of Nations. The French proposal of June last looking to the conclusion of a bilateral compact, had been drawn up in the light of the century-old relations between France and the United States; the French Government still stands ready to negotiate with the American Government on the same conditions and on the same basis. It has never altered its attitude in that respect. But when confronted by the initiative of the United States in proposing a multipartite covenant, it had to take into consideration the relations existing among the various powers which would be called upon to participate therein. This it has done, with the object of assuring the success of the treaty contemplated by the United States. Its suggestions of January 5 as to the terms of the

[1] See p. 26 [246].

multipartite treaty are inspired by the formula which has already gained the unanimous adherence of all of the states Members of the League of Nations, and which for that very reason might be accepted by them with regard to the United States, just as it has already been accepted among themselves.

This is the explanation of our proposal of January 5.

The Government of the Republic has always, under all circumstances, very clearly and without mental reservation declared its readiness to join in any declaration tending to denounce war as a crime and to set up international sanctions susceptible of preventing or repressing it. There has been no change in its sentiments in that respect: its position remains the same. Your Excellency may therefore be assured of its sincere desire to respond to the idea of the American Government and to second its efforts to the full extent compatible with the situation of fact created by its international obligations. It is this preoccupation which inspired the formula proposed on January 5, a formula which does indeed seem to be the most apt at this time to assure the accomplishment of the American project. The Government of the Republic accordingly can not but hope that the American Government will share this view. Subject to these observations, the Government of the Republic would, moreover, very gladly welcome any suggestions offered by the American Government which would make it possible to reconcile an absolute condemnation of war with the engagements and obligations assumed by the several nations and the legitimate concern for their respective security.

Pray accept [etc.]

CLAUDEL.

6. The Secretary of State to the French Ambassador

WASHINGTON, *February 27, 1928.*

EXCELLENCY:

Our recent discussions of the question whether the United States and France could join in suggesting to the other principal powers of the world the conclusion of a treaty proscribing war as an instrument of national policy in their mutual relations have been brought by your note of January 21, 1928, to a point where it seems necessary, if success is to be achieved, to examine the problem from a practical point of view.

It is evident from our previous correspondence that the Governments of France and the United States are of one mind in their earnest desire to initiate and promote a new international movement for effective world peace, and that they are in agreement as to the essential principles of the procedure to be followed in the accomplishment of their common purpose. As I understand your note of January 21, 1928, the only substantial obstacle in the way of the unqualified acceptance by France of the proposals which I submitted in my notes of

December 28, 1927, and January 11, 1928, is your Government's doubt whether as a Member of the League of Nations and a party to the treaties of Locarno and other treaties guaranteeing neutrality, France can agree with the United States and the other principal world powers not to resort to war in their mutual relations, without *ipso facto* violating her present international obligations under those treaties. In Your Excellency's last note this question was suggested for consideration.

Without, of course, undertaking formally to construe the present treaty obligations of France, I desire to point out that if those obligations can be interpreted so as to permit France to conclude a treaty with the United States such as that offered to me last June by M. Briand and offered again in your note of January 21, 1928, it is not unreasonable to suppose that they can be interpreted with equal justice so as to permit France to join with the United States in offering to conclude an equivalent multilateral treaty with the other principal powers of the world. The difference between the bilateral and multilateral form of treaty having for its object the unqualified renunciation of war as an instrument of national policy, seems to me to be one of degree and not of substance. A Government free to conclude such a bilateral treaty should be no less able to become a party to an identical multilateral treaty since it is hardly to be presumed that Members of the League of Nations are in a position to do separately something they can not do together. I earnestly hope, therefore, that your Government, which admittedly perceives no bar to the conclusion of an unqualified anti-war treaty with the United States alone, will be able to satisfy itself that an equivalent treaty among the principal world powers would be equally consistent with membership in the League of Nations. If, however, Members of the League of Nations can not, without violating the terms of the Covenant of the League, agree among themselves and with the Government of the United States to renounce war as an instrument of their national policy, it seems idle to discuss either bilateral or multilateral treaties unreservedly renouncing war. I am reluctant to believe, however, that the provisions of the Covenant of the League of Nations really stand in the way of the cooperation of the United States and Members of the League of Nations in a common effort to abolish the institution of war. Of no little interest in this connection is the recent adoption of a resolution by the Sixth International Conference of American States expressing in the name of the American Republics unqualified condemnation of war as an instrument of national policy in their mutual relations. It is significant to note that of the twenty-one states represented at the Conference, seventeen are Members of the League of Nations.

I trust, therefore, that neither France nor any other Member of the League of Nations will finally decide that an unequivocal and unqualified renunciation of war as an instrument of national policy either violates the specific obligations imposed by the Covenant or conflicts

with the fundamental idea and purpose of the League of Nations. On the contrary, is it not entirely reasonable to conclude that a formal engagement of this character entered into by all of the principal powers, and ultimately, I trust, by the entire family of nations, would be a most effective instrument for promoting the great ideal of peace which the League itself has so closely at heart? If, however, such a declaration were accompanied by definitions of the word "aggressor" and by exceptions and qualifications stipulating when nations would be justified in going to war, its effect would be very greatly weakened and its positive value as a guaranty of peace virtually destroyed. The ideal which inspires the effort so sincerely and so hopefully put forward by your Government and mine is arresting and appealing just because of its purity and simplicity; and I can not avoid the feeling that if governments should publicly acknowledge that they can only deal with this ideal in a technical spirit and must insist upon the adoption of reservations impairing, if not utterly destroying the true significance of their common endeavors, they would be in effect only recording their impotence, to the keen disappointment of mankind in general.

From the broad standpoint of humanity and civilization, all war is an assault upon the stability of human society, and should be suppressed in the common interest. The Government of the United States desires to see the institution of war abolished, and stands ready to conclude with the French, British, Italian, German and Japanese Governments a single multilateral treaty open to subsequent adherence by any and all other governments, binding the parties thereto not to resort to war with one another. The precise language to be employed in such a treaty is a matter of indifference to the United States so long as it clearly and unmistakably sets forth the determination of the parties to abolish war among themselves. I therefore renew the suggestion contained in my note of January 11, 1928, that the Government of France join with the Government of the United States in transmitting to the British, Italian, German and Japanese Governments for their consideration and comment the text of M. Briand's original proposal, together with copies of the subsequent correspondence between France and the United States as a basis for preliminary discussions looking to the conclusion of an appropriate multilateral treaty proscribing recourse to war.

Accept [etc.]

FRANK B. KELLOGG.

7. The French Ambassador to the Secretary of State

[Translation]

March 30, 1928.

MR. SECRETARY OF STATE:

In reply to your note of February 27 last regarding the proposal for a multilateral treaty proscribing war, I have the honor to inform

Your Excellency that M. Briand has been pleased to find in the observations which you have submitted for his consideration a new and cordial affirmation of the common inspiration which animates our two Governments equally anxious to cooperate in an international movement toward the effective establishment of peace in the world. Assured of such a solidarity in the pursuit of an identical purpose, M. Briand remains convinced, as does Your Excellency, that a mutually acceptable formula may well result from the exchange of views which has taken place up to now between our two Governments, if on both sides there is a disposition to adhere to those essential realities which must be preserved in this discussion, by subordinating thereto those differences of form to which questions of terminology not affecting the substance of the discussion may upon analysis be reduced.

That is to say, that the French Government at this point of the discussion, when all the aspects of the problem have been examined, proposes to adopt as practical a point of view as possible and to facilitate as far as it can the effort of the American Government in the direction of an immediate decision.

The observations which M. Briand has ventured to offer in support of his last suggestion were inspired by a very sincere desire to facilitate in a practical manner the realization of the proposal for the contemplated multilateral treaty by pointing out the conditions best adapted to bring about the consent thereto of all the Governments whose agreement is necessary. The French wording, therefore, tending to limit to war of aggression the proscription proposed in the form of a multilateral rather than a bilateral treaty, was intended to obviate in so far as the American plan was concerned those serious difficulties which would assuredly be encountered in practice. In order to pay due regard to the international obligations of the signatories, it was not possible, as soon as it became a question of a multilateral treaty, to impart thereto the unconditional character desired by Your Excellency without facing the necessity of obtaining the unanimous adherence of all the existing states, or at least of all the interested states, that is to say, those which by reason of their situation are exposed to the possibility of a conflict with any one of the contracting states. In the relations between the states of the American Continent there are similar difficulties which led the American Government at the Pan-American Conference at Habana to approve a resolution limited to the very terms "war of aggression" which the French Government felt compelled to use in characterizing the renunciation to which it was requested to bind itself by means of a multilateral treaty. To be sure, the same reservation does not appear in another resolution to which Your Excellency referred in your note of February 27, but it must be observed that this resolution in itself constituted only a kind of preliminary tending toward a treaty of arbitration with regard to which numerous reservations were formulated.

Your Excellency appears to have been surprised that France should not be able to conclude with all the powers in the form of a multilateral treaty the same treaty which she offered to conclude separately with the United States in the form of a bilateral treaty. My Government believes that it has explained this point with sufficient clearness in recalling the fact that the project of a treaty of perpetual friendship between France and the United States proposed last June was drafted in such a way as to limit strictly the mutual undertakings which it contained to those relations in law resulting from intercourse between the two signatory states alone. Within such limits an absolutely unconditional agreement might be entered into, since that agreement would not expose the signatories, as would a multilateral treaty, to juridical difficulties resulting from the respective positions of various powers with regard to one another, and since furthermore, as regards two countries like France and the United States morally united as they are by ties of time-honored friendship, other contractual engagements concluded by one or the other power could never constitute in fact anything but purely theoretical obstacles.

In order to attain the result which Your Excellency has in view, you have considered it preferable to adhere to the conception of a multilateral treaty, and you have deemed it necessary to insist that even in the multilateral form the proposed treaty should include an unconditional pledge. If Your Excellency really believes that greater chances of success may be found in this formula in spite of the consequences which it involves, especially the necessity of attaining a treaty world-wide in its scope, the French Government would hesitate to discuss longer the question of its adherence to a plan which the American Government originated and for which it is responsible. Without in any way losing sight of its international obligations, both as a Member of the League of Nations and as a party to the treaties of Locarno or treaties guaranteeing neutrality, France, for the purpose of finding a common basis for initial negotiations, is wholly disposed, after a new examination of the proposals formulated by Your Excellency, to suggest immediately to the German, British, Italian and Japanese Governments that they join in seeking, in the spirit and in the letter of the last American note, any adjustments which in the last analysis may be forthcoming with respect to the possibility of reconciling previous obligations with the terms of the contemplated new treaty.

The French Government notes at once with satisfaction that while advocating the conclusion among the Governments specifically mentioned of a treaty binding the signatories not to resort to war, the Government of the United States admits the participation in that treaty of all the other governments of the world. This conception accords with a reservation actually necessary for obtaining a real instrument for the establishment of peace by means of a formal engagement among all powers among whom political controversies may arise. Such an

engagement would in fact involve the risk of exposing the signatories to dangers and misunderstandings unless based upon the complete equality in the application of the treaty among themselves of all the states with respect to other states and not only upon the equality of certain states among them. The treaty contemplated could not operate in respect of one power which is a party thereto unless the other states exposed to the possibility of grave controversies with that party were also signatories thereof.

At the same time it is clear that in order not to turn an instrument of progress and peace into a means of oppression, if one of the signatory states should fail to keep its word, the other signatories should be released from their engagement with respect to the offending state. On this second point, as on the first, the French Government believes itself fully in accord with the Government of the United States.

My Government likewise gathers from the declarations which Your Excellency was good enough to make to me on the first of last March, the assurance that the renunciation of war, thus proclaimed, would not deprive the signatories of the right of legitimate defense. Such an interpretation tends to dissipate apprehensions, and the French Government is happy to note it.

If such is the attitude of the American Government on these three fundamental points, and if it is clearly understood in a general way that the obligations of the new pact should not be substituted for, or prejudice in any way, previous obligations contained in international instruments such as the Covenant of the League of Nations, the Locarno agreements or treaties guaranteeing neutrality whose character and scope can not be modified thereby, then the differences of opinion which have appeared in the course of previous phases of the negotiation have to do more with words than with the reality of the problem facing the two Governments to-day.

Hence, in accordance with the proposal contained in your note of January 11, which you kindly renewed in your note of the 27th of February, the French Government would be prepared forthwith to join with the Government of the United States in submitting for the consideration of the Governments of Germany, Great Britain, Italy and Japan, the correspondence exchanged between France and the United States since June, 1927, and in proposing at the same time for the assent of the four Governments, a draft agreement essentially corresponding in purpose to the original proposal of M. Briand, in the multipartite form desired by the United States with the changes of wording made necessary by the new concept; the signatory powers of such an instrument, while not prejudicing their rights of legitimate defense within the framework of existing treaties, should make a solemn declaration condemning recourse to war as an instrument of national policy, or in other words as a means of carrying out their own spontaneous, independent policy.

They would specifically undertake, among themselves, to refrain from any attack or invasion, and never to seek the settlement of any difference or conflict of whatsoever nature or origin which might arise between them save by pacific means. It would, however, be clearly understood that an obligation could only exist for the signatories in the event that the engagement were contracted by all states, that is to say, that the treaty, open to the accession of all powers, would only come into force after having received universal acceptance, unless the powers having signed this treaty or acceded thereto should agree upon its coming into force, despite certain abstentions. Finally, in case one of the contracting powers should happen to contravene the treaty, the other contracting powers would be automatically relieved, with respect to that power, of the obligations contained in the treaty.

It is in this form, it would seem, that the negotiation of a plan for a multilateral pact such as conceived by the American Government could be pursued with the greatest chances of success. Your Excellency may be assured, in any case, in the conduct of this negotiation of the most sincere and most complete collaboration of my Government which is always ready to associate itself without ambiguity or reservation, with any solemn and formal undertaking tending to insure, strengthen or extend the effective solidarity of the nations in the cause of peace.

In responding to these ideas, whose happy inspiration can not be gainsaid, France would feel confident that she was continuing the work to which she has never ceased to apply herself in her foreign policy, and, faithful to her previous international engagements of that nature, that she was contributing nobly, as Your Excellency has said, in "promoting the great ideal of peace which the League itself has so closely at heart."

Pray accept [etc.]

CLAUDEL.

II. PROPOSALS TO THE "PRINCIPAL POWERS"

1. Note delivered by American Ambassadors at London, Berlin, Rome and Tokyo, April 13, 1928[1]

As Your Excellency is aware, there has recently been exchanged between the Governments of France and the United States a series of notes dealing with the question of a possible international renunciation of war. The views of the two Governments have been clearly set forth in the correspondence between them.

The Government of the United States, as stated in its note of February 27, 1928, desires to see the institution of war abolished and stands ready to conclude with the French, British, German, Italian and Japanese Governments a single multilateral treaty open to subsequent adherence by any and all other Governments binding the parties thereto not to resort to war with one another.

The Government of the French Republic, while no less eager to promote the cause of world peace and to cooperate with other nations in any practical movement towards that end, has pointed out certain considerations which in its opinion must be borne in mind by those powers which are Members of the League of Nations, parties to the treaties of Locarno, or parties to other treaties guaranteeing neutrality. My Government has not conceded that such considerations necessitate any modification of its proposal for a multilateral treaty, and is of the opinion that every nation in the world can, with a proper regard for its own interests, as well as for the interests of the entire family of nations, join in such a treaty. It believes, moreover, that the execution by France, Great Britain, Germany, Italy, Japan and the United States of a treaty solemnly renouncing war in favor of the pacific settlement of international controversies would have tremendous moral effect and ultimately lead to the adherence of all the other governments of the world.

The discussions which have taken place between France and the United States have thus reached a point where it seems essential, if ultimate success is to be attained, that the British, German, Italian and Japanese Governments should each have an opportunity formally to decide to what extent, if any, its existing commitments constitute a bar to its participation with the United States in an unqualified renunciation of war. In these circumstances the Government of the

[1] Reprinted from *The General Pact*, as cited; p. 19 ff.; compare text as presented at London, *Correspondence with the United States Ambassador respecting the United States Proposal for the Renunciation of War*, p. 2 (Parl. Pap., United States No. 1 (1928), Cmd. 3109).

United States, having reached complete agreement with the Government of the French Republic as to this procedure, has instructed me formally to transmit herewith for the consideration of your Government the text of M. Briand's original proposal of last June, together with copies of the notes subsequently exchanged between France and the United States on the subject of a multilateral treaty for the renunciation of war.[1]

I have also been instructed by my Government to transmit herewith for consideration a preliminary draft of a treaty representing in a general way the form of treaty which the Government of the United States is prepared to sign with the French, British, German, Italian and Japanese Governments and any other Governments similarly disposed. It will be observed that the language of Arts. I and II of this draft treaty is practically identical with that of the corresponding articles in the treaty which M. Briand proposed to the United States.

The Government of the United States would be pleased to be informed as promptly as may be convenient whether Your Excellency's Government is in a position to give favorable consideration to the conclusion of a treaty such as that transmitted herewith, and if not, what specific modifications in the text thereof would make it acceptable.

[Inclosure]

TEXT OF SUGGESTED DRAFT TREATY

The President of the United States of America, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, the President of the German Empire, His Majesty the King of Italy, His Majesty the Emperor of Japan;

Deeply sensible that their high office imposes upon them a solemn duty to promote the welfare of mankind;

Inspired by a common desire not only to perpetuate the peaceful and friendly relations now happily subsisting between their peoples but also to prevent war among any of the nations of the world;

Desirous by formal act to bear unmistakable witness that they condemn war as an instrument of national policy and renounce it in favor of the pacific settlement of international disputes;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a treaty and for that purpose have appointed as their respective plenipotentiaries;

[1] The notes printed in the previous section of this Appendix were attached as inclosures to this dispatch.

The President of the United States of America:

.....

The President of the French Republic:

.....

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

.....

The President of the German Empire:

.....

His Majesty the King of Italy:

.....

His Majesty the Emperor of Japan:

.....

who, having communicated to one another their full powers found in good and due form have agreed upon the following articles:

ART. I. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ART. II. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

ART. III. The present treaty shall be ratified by the high contracting parties named in the preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at.....

This treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other powers of the world. Every instrument evidencing the adherence of a power shall be deposited at..... and the treaty shall immediately upon such deposit become effective as between the power thus adhering and the other powers parties hereto.

It shall be the duty of the Government of.....to furnish each Government named in the preamble and every Government subsequently adhering to this treaty with a certified copy of the treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of.....telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

In faith whereof the respective plenipotentiaries have signed this treaty in the French and English languages both texts having equal force, and hereunto affix their seals.

Done at.....the.....day of.....in the year of our Lord one thousand nine hundred and twenty.....

2. Draft of Proposed Treaty submitted by the French Government to the United States, Great Britain, Germany, Italy and Japan, April 20, 1928[1]

[Translation]

The President of the German Empire, the President of the United States of America, the President of the French Republic, His Majesty the King of England, Ireland and the British Dominions, Emperor of India, His Majesty the King of Italy, His Majesty the Emperor of Japan:

Equally desirous not only of perpetuating the happy relations of peace and friendship now existing among their peoples, but also to avoid the danger of war between all other nations in the world,

Having agreed to consecrate in a solemn act their most formal and most definite resolution to condemn war as an instrument of national policy and to renounce it in favor of a peaceful settlement of international conflicts,

Expressing, finally, the hope that all the other nations of the world will be willing to join in this humane effort to bring about the association of the civilized peoples in a common renunciation of war as an instrument of national policy, have decided to conclude a treaty and to that end have designated as their respective plenipotentiaries:

The President of the German Empire:

.....

The President of the United States of America:

.....

The President of the French Republic:

.....

His Majesty the King of Great Britain, Ireland and the British Dominions, Emperor of India:

.....

His Majesty the King of Italy:

.....

His Majesty the Emperor of Japan,

.....

who, after exchanging their full powers found to be in good and due form, have agreed on the following provisions:

[1] This draft was circulated as a matter of right by the French Government. In a press statement on April 13 relative to the American note and draft Secretary of State Kellogg said:

"The Government of France is not, however, in any way committed to approval of the draft treaty which I have proposed, and is entirely free to make such further observations on the subject of that treaty or of the correspondence heretofore exchanged with respect thereto, as may be deemed necessary or appropriate. Such observations would, of course, be addressed not only to the United States but to the other four powers, and by thus enlarging the field of negotiations make it possible for all six Governments fully to explore the entire situation."

ART. 1. The high contracting parties without any intention to infringe upon the exercise of their rights of legitimate self-defense within the framework of existing treaties, particularly when the violation of certain of the provisions of such treaties constitutes a hostile act, solemnly declare that they condemn recourse to war and renounce it as an instrument of national policy; that is to say, as an instrument of individual, spontaneous and independent political action taken on their own initiative and not action in respect of which they might become involved through the obligation of a treaty such as the Covenant of the League of Nations or any other treaty registered with the League of Nations. They undertake on these conditions not to attack or invade one another.

ART. 2. The settlement or solution of all disputes or conflicts of whatever nature or origin which might arise among the high contracting parties or between any two of them shall never be sought on either side except by pacific methods.

ART. 3. In case one of the high contracting parties should contravene this treaty, the other contracting powers would *ipso facto* be released with respect to that party from their obligations under this treaty.

ART. 4. The provisions of this treaty in no wise affect the rights and obligations of the contracting parties resulting from prior international agreements to which they are parties.

ART. 5. The present treaty will be offered for the accession of all powers and will have no binding force until it has been generally accepted unless the signatory powers in accord with those that may accede hereto shall agree to decide that it shall come into effect regardless of certain abstentions.

ART. 6. The present treaty shall be ratified.

The ratifications shall be deposited at.....; within three months from the date of the deposit of the ratifications it shall be communicated by the Government of.....to all the powers with an invitation to accede.

The Government of.....will transmit to each of the signatory powers and the powers that have acceded a duly certified copy of the instruments of accession as they are received.

One year after the expiration of the three months' period provided in Art. 5, the Government of.....will send out a statement of the signatories and accessions to all the powers that have signed or acceded.

In witness whereof the above named plenipotentiaries have signed this treaty and sealed it with their seal.

Done at.....in.....copies drawn up in French and English and all having equal force.

.....1928.

3. Reply of the German Government to the American Government's Note

[Translation]

BERLIN, *April 27, 1928.*

MR. AMBASSADOR:

In the note of April 13 and its inclosures Your Excellency informed me of the negotiations between the Government of the United States of America and the Government of France regarding the conclusion of an international pact for the outlawry of war. At the same time you asked me the question whether the Government was disposed to conclude such a pact in accordance with the draft put forward by the Government of the United States or whether it considered certain changes in this draft necessary.

The German Government has studied the question put by you with the care appropriate to the extraordinary importance of the matter. It was possible also in this study to take into consideration the draft treaty which had been drawn up in the meantime by the French Government and handed to the participating powers. As a result of this study I have the honor to inform Your Excellency of the following in the name of the German Government:

The German Government welcomes most warmly the opening of negotiations for the conclusion of an international pact for the outlawry of war. The two main ideas on which are based the initiative of the French Foreign Minister and the resulting proposal of the Government of the United States correspond completely with the principles of German policy. Germany has no higher interest than to see the possibility of armed conflicts eliminated and a development assured in the life of the nations which would guarantee the peaceful settlement of all international disputes. The conclusion of a pact such as the United States now has in view would certainly bring the nations a good deal nearer to this goal.

As the need of the nations for the assurance of peace since the world war has already led to other international agreements the necessity exists for the states participating therein to make sure in what relation the pact now proposed would stand to these international agreements already in force. You have already, Mr. Ambassador, referred in your note to the considerations which were put forward in this connection by the French Government in its exchange of views with the Government of the United States. So far as Germany is concerned these come into question as international agreements which might touch the substance of the new pact, the Covenant of the League of Nations and the Rhine pact of Locarno; other international obligations of this kind have not been entered into by Germany. Respect for the obligations arising from the Covenant of the League of Nations and the

Rhine pact must in the opinion of the German Government remain inviolable. The German Government is, however, convinced that these obligations contain nothing which could in any way conflict with the obligations provided for in the draft treaty of the United States. On the contrary, it believes that the binding obligation not to use war as an instrument of national policy could only serve to strengthen the fundamental idea of the Covenant of the League of Nations and of the Rhine pact. The German Government proceeds on the belief that a pact after the pattern submitted by the Government of the United States would not put in question the sovereign right of any state to defend itself. It is self-evident that if one state violates the pact the other contracting parties regain their freedom of action with reference to that state. The state affected by the violation of the pact is, therefore, not prevented from taking up arms on its own part against the breaker of the peace. In a pact of this kind to provide expressly for the case of a violation seems to the German Government unnecessary.

In agreement with the Government of the United States and with the French Government, the German Government is also of the opinion that the ultimate goal must be the universality of the new pact. In order to bring about this universality, the draft treaty of the United States seems to open a practical way. When the states first coming into question as signatory powers have concluded the pact it may be expected that the other states will thereupon make use of the right of adhesion which is assured to them without limitation or condition.

The German Government can accordingly declare that it is ready to conclude a pact in accordance with the proposal of the Government of the United States and to this end to enter into the necessary negotiations with the governments concerned. To this declaration the German Government adds, moreover, its definite expectation that the realization of a pact of such importance will not fail to make its influence felt forthwith on the state of international relations. Therefore, this new guaranty for the maintenance of peace must give a real impulse to the efforts for the carrying out of general disarmament. And further still, the renunciation of war must as a necessary complement enlarge the possibilities of settling in a peaceful way the existing and potential conflicts of national interests.

Accept [etc.]

STRESEMANN.

4. The Italian Minister of Foreign Affairs to the American Ambassador.

[Translation]

ROME, *May 4, 1928.*

I have the honor to refer to my note of April 23 relative to the proposal of the United States Government regarding a multilateral Anti-War Treaty.

I hardly need to assure you that Italy, adhering to the policy which she is constantly following, has welcomed with lively sympathy this initiative and offers very willingly her cordial collaboration towards reaching an agreement.

Your Excellency is aware of the fact that there is under consideration the proposal for a preliminary meeting of the legal experts of the powers whose direct interest in the proposed treaty has been enlisted. The Royal Government has adhered to this procedure but has clearly pointed out that in its opinion such a meeting can only be effective if the participation of a legal expert of the Government of the United States is assured.

In accordance with this order of ideas I beg Your Excellency to communicate to Mr. Kellogg the live desire of the Royal Government that the participation of the United States in the preliminary meeting mentioned above be not lacking.

I avail [etc.]

(Signed) MUSSOLINI.

5. The Minister for Foreign Affairs of Japan, Baron Giichi Tanaka, to the American Ambassador in Tokyo, Charles MacVeagh

[Translation]

TOKYO, *May 26, 1928.*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of Your Excellency's note No. 336 of April 13, last, transmitting to me under instructions from the Government of the United States the preliminary draft of a proposed multilateral treaty representing in a general way a form of treaty which the Government of the United States is prepared to sign with the French, German, British, Italian and Japanese Governments and any other governments similarly disposed with the object of securing the renunciation of war. At the same time Your Excellency enclosed a copy of the correspondence recently exchanged between the Governments of the United States and the French Republic commencing with a proposal put forward by Monsieur Briand in June, 1927; and you intimated that the Government of the United States desired to be informed whether the Japanese Government were in a position to give favorable consideration to the conclusion of such a treaty as that of which you enclosed a draft — and if not, what specific modification in the text would make it acceptable.

I beg to inform Your Excellency that the Government of Japan sympathize warmly with the high and beneficent aims of the proposal now made by the United States, which they take to imply the entire abolition of the institution of war, and that they will be glad to render their most cordial cooperation towards the attainment of that end.

The proposal of the United States is understood to contain nothing

that would refuse to independent states the right of self-defense, and nothing which is incompatible with the obligations of agreements guaranteeing the public peace, such as are embodied in the Covenant of the League of Nations and the treaties of Locarno. Accordingly, the Imperial Government firmly believe that unanimous agreement on a mutually acceptable text for such a treaty as is contemplated is well capable of realization by discussion between the six powers referred to, and they would be happy to collaborate with cordial good will in the discussions with the purpose of securing what they are persuaded is the common desire of all the peoples of the world — namely, the cessation of wars and the definite establishment among the nations of an era of permanent and universal peace.

I avail myself of this occasion to renew to Your Excellency, the assurance of my highest consideration.

(Signed) BARON GIICHI TANAKA,
Minister.

6. The Secretary of State for Foreign Affairs of Great Britain, Sir Austen Chamberlain, to the American Ambassador in London, Alanson B. Houghton

FOREIGN OFFICE, *May 19, 1928.*

YOUR EXCELLENCY:

Your note of April 13, containing the text of a draft treaty for the renunciation of war, together with copies of the correspondence between the United States and French Governments on the subject of this treaty, has been receiving sympathetic consideration at the hands of His Majesty's Government in Great Britain. A note has also been received from the French Government, containing certain suggestions for discussion in connection with the proposed treaty and the German Government were good enough to send me a copy of the reply which has been made by them to the proposals of the United States Government.

2. The suggestion for the conclusion of a treaty for the renunciation of war as an instrument of national policy has evoked widespread interest in this country and His Majesty's Government will support the movement to the utmost of their power.

3. After making a careful study of the text contained in Your Excellency's note and of the amended text suggested in the French note, His Majesty's Government feel convinced that there is no serious divergence between the effect of these two drafts. This impression is confirmed by a study of the text of the speech by the Secretary of State of the United States to which Your Excellency drew my attention and which he delivered before the American Society of International Law

on April 28. The aim of the United States Government, as I understand it, is to embody in a treaty a broad statement of principle, to proclaim without restriction or qualification that war shall not be used as an instrument of policy. With this aim His Majesty's Government are wholly in accord. The French proposals, equally imbued with the same purpose have merely added an indication of certain exceptional circumstances in which the violation of that principle by one party may oblige the others to take action seeming at first sight to be inconsistent with the terms of the proposed pact. His Majesty's Government appreciate the scruples which have prompted these suggestions by the French Government. The exact fulfilment of treaty engagements is a matter which affects national honor; precision as to the scope of such engagements is, therefore, of importance. Each of the suggestions made by the French Government has been carefully considered from this point of view.

4. After studying the wording of Art. 1 of the United States draft His Majesty's Government do not think that its terms exclude action which a state may be forced to take in self-defense. Mr. Kellogg has made it clear in the speech to which I have referred above that he regards the right of self-defense as inalienable and His Majesty's Government are disposed to think that on this question no addition to the text is necessary.

5. As regards the text of Art. 2, no appreciable difference is found between the American and French proposals. His Majesty's Government are, therefore, content to accept the former if, as they understand to be the case, a dispute "among the high contracting parties" is a phrase wide enough to cover a dispute between any two of them.

6. The French note suggests the addition of an article providing that violation of the treaty by one of the parties should release the remainder from their obligations under the treaty toward that party. His Majesty's Government are not satisfied that, if the treaty stood alone, the addition of some such provision would not be necessary. Mr. Kellogg's speech, however, shows that he put forward for acceptance the text of the proposed treaty upon the understanding that violation of the undertaking by one party would free the remaining parties from the obligation to observe its terms in respect of the treaty-breaking state.

7. If it is agreed that this is the principle which will apply in the case of this particular treaty, His Majesty's Government are satisfied and will not ask for the insertion of any amendment. Means can no doubt be found without difficulty of placing this understanding on record in some appropriate manner so that it may have equal value with the terms of the treaty itself.

8. The point is one of importance because of its bearing on the treaty engagements by which His Majesty's Government are already bound. The preservation of peace has been the chief concern of His Majesty's

Government and the prime object of all their endeavors. It is the reason why they have given ungrudging support to the League of Nations, and why they have undertaken the burden of the guaranty embodied in the Locarno treaty. The sole object of all these engagements is the elimination of war as an instrument of national policy, just as it is the purpose of the peace pact now proposed. It is because the object of both is the same that there is no real antagonism between the treaty engagements which His Majesty's Government have already accepted and the pact which is now proposed. The machinery of the Covenant and of the treaty of Locarno, however, go somewhat further than a renunciation of war as a policy, in that they provide certain sanctions for a breach of their obligations. A clash might thus conceivably arise between the existing treaties and the proposed pact unless it is understood the obligations of the new engagement will cease to operate in respect of a party which breaks its pledges and adopts hostile measures against one of its co-contractants.

9. For the Government of this country, respect for the obligations arising out of the Covenant of the League of Nations and out of the Locarno treaties is fundamental. Our position in this regard is identical with that of the German Government as indicated in their note of the 27th April. His Majesty's Government could not agree to any new treaty which would weaken or undermine these engagements on which the peace of Europe rests. Indeed, public interest in this country in scrupulous fulfilment of these engagements is so great that His Majesty's Government would for their part prefer to see some such provision as Art. 4 of the French draft embodied in the text of the treaty. To this we understand there will be no objection. Mr. Kellogg has made it clear in the speech to which I have drawn attention that he had no intention by the terms of the new treaty of preventing the parties to the Covenant of the League or to the Locarno treaty from fulfilling their obligations.

10. The language of Art. 1 as to the renunciation of war as an instrument of national policy renders it desirable that I should remind Your Excellency that there are certain regions of the world the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believe, therefore, that in defining their position they are expressing the intention and meaning of the United States Government.

11. As regards the measure of participation in the new treaty before it would come into force, His Majesty's Government agree that it is not necessary to wait until all the nations of the world have signified their willingness to become parties. On the other hand, it would be embarrassing if certain states in Europe with whom the proposed participants are already in close treaty relations were not included among the parties. His Majesty's Government see no reason, however, to doubt that these states will gladly accept its terms. Universality would, in any case, be difficult of attainment, and might even be inconvenient for there are some states whose Governments have not yet been universally recognized, and some which are scarcely in a position to insure the maintenance of good order and security within their territories. The conditions for the inclusion of such states among the parties to the new treaty is a question to which further attention may perhaps be devoted with advantage. It is, however, a minor question as compared with the attainment of the more important purpose in view.

12. After this examination of the terms of the proposed treaty and of the points to which it gives rise, Your Excellency will realize that His Majesty's Government find nothing in their existing commitments which prevents their hearty cooperation in this new movement for strengthening the foundations of peace. They will gladly cooperate in the conclusion of such a pact as is proposed and are ready to engage with the interested Governments in the negotiations which are necessary for the purpose.

13. Your Excellency will observe that the detailed arguments in the foregoing paragraphs are expressed on behalf of His Majesty's Government in Great Britain. It will, however, be appreciated that the proposed treaty from its very nature is not one which concerns His Majesty's Government in Great Britain alone, but is one in which they could not undertake to participate otherwise than jointly and simultaneously with His Majesty's Governments in the Dominions and the Government of India. They have, therefore, been in communication with those Governments and I am happy to be able to inform Your Excellency that, as a result of the communications which have passed, it has been ascertained that they are all in cordial agreement with the general principle of the proposed treaty. I feel confident, therefore, that on receipt of an invitation to participate in the conclusion of such a treaty, they, no less than His Majesty's Government in Great Britain, will be prepared to accept the invitation.

I avail [etc.]

AUSTEN CHAMBERLAIN.

III. INCLUSION OF SELF-GOVERNING DOMINIONS [1]

1. Note to His Britannic Majesty's Governments in Canada, Irish Free State, Australia, New Zealand, South Africa and India, May 22, 1928

In the note which he addressed to the American Ambassador at London on May 19, 1928, Sir Austen Chamberlain was good enough to inform my Government that His Majesty's Government in Great Britain had been in communication with His Majesty's Governments in the Dominions and with the Government of India, and had ascertained that they were all in cordial agreement with the general principle of the multilateral treaty for the renunciation of war which the Government of the United States proposed on April 13, 1928. Sir Austen added that he felt confident, therefore, that His Majesty's Governments in the Dominions and the Government of India were prepared to accept an invitation to participate in the conclusion of such a treaty as that proposed by the Government of the United States.

I have been instructed to state to Your Excellency that my Government has received this information with the keenest satisfaction. My Government has hoped from the outset of the present negotiations that the Governments of the Dominions and the Government of India would feel disposed to become parties to the suggested anti-war treaty. It is moreover most gratifying to the Government of the United States to learn that His Majesty's Governments in the Dominions and the Government of India are so favorably inclined towards the treaty for the renunciation of war which my Government proposed on April 13, 1928, as to wish to participate therein individually and as original signatories, and my Government, for its part, is most happy to accede to the suggestion contained in Sir Austen Chamberlain's note of May 19, 1928, to the American Ambassador at London.

Accordingly I have been instructed to extend to His Majesty's Government in Canada, in the name of the Government of the United States, a cordial invitation to become one of the original parties to the treaty for the renunciation of war which is now under consideration. Pursuant to my instructions I also have the honor to inform you that the Government of the United States will address to His Majesty's Government in Canada, at the same time and in the same manner as to the other Governments whose participation in the proposed treaty

[1] *Loc. cit.*, p. 29, 31–36.

in the first instance is contemplated, any further communications which it may make on the subject of the treaty after it has been acquainted with the views of all the Governments to which its note of April 13, 1928, was addressed.

2. Canadian Reply

OFFICE OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA,
OTTAWA, *May 30, 1928.*

The Honorable WILLIAM PHILLIPS,
Minister of the United States of America, Ottawa.

SIR:

I have the honor to acknowledge your note of May 22, extending to His Majesty's Government in Canada, in the name of the Government of the United States, an invitation to become one of the original parties to the treaty for the renunciation of war now under consideration.

The Government of Canada is certain that it speaks for the whole Canadian people in welcoming the outcome, in the proposed multilateral pact, of the discussion initiated almost a year ago between the Governments of France and of the United States. It is pleased to find that in this attitude it is in accord with all His Majesty's other governments. The proposals of the United States Government, by their directness and simplicity, afford to the peoples of the world a new and notable opportunity of insuring lasting peace.

The Dominion of Canada, fortunate in its ties of kinship and allegiance as well as in its historic and neighborly friendships, and with half a continent as its heritage, is less exposed to the danger of attack or the temptation to aggression than many other lands. Yet the Great War, with its burdens of suffering and of loss, brought home the danger which all countries share, and led Canada to turn with hope to the efforts to build up effective barriers against war which took shape in the League of Nations; it will welcome the present proposals as a manifestation of the same striving for peace.

The question whether the obligations of the Covenant of the League would conflict in any way with the obligations of the proposed pact has been given careful consideration. His Majesty's Government in Canada regards the League, with all its limitations, as an indispensable and continuing agency of international understanding, and would not desire to enter upon any course which would prejudice its effectiveness. It is, however, convinced that there is no conflict either in the letter or in the spirit between the Covenant and the multilateral pact, or between the obligations assumed under each.

The preeminent value of the League lies in its positive and preventive action. In bringing together periodically the representatives of fifty states, it builds up barriers against war by developing a spirit of conciliation, an acceptance of publicity in international affairs, a habit of

cooperation in common ends, and a permanently available machinery for the adjustment of differences. It is true that the Covenant also contemplates the application of sanctions in the event of a Member state going to war, if in so doing it has broken the pledges of the Covenant to seek a peaceful solution of disputes. Canada has always opposed any interpretation of the Covenant which would involve the application of these sanctions automatically or by the decision of other states. It was on the initiative of Canada that the Fourth Assembly, with a single negative vote, accepted the interpretative resolution to which the Secretary of State of the United States recently referred, indicating that it is for the constitutional authorities of each state to determine in what degree it is bound to assure the execution of the obligations of this article by employment of its military forces. The question of sanctions has received further consideration by later Assemblies. It is plain that the full realization of the ideal of joint economic or military pressure upon an outlaw power, upon which some of the founders of the League set great store, will require either an approach to the universality of the League contemplated when the Covenant was being drawn, or an adjustment of the old rules of neutrality to meet the new conditions of cooperative defense.

In any event, if, as would seem to be the case, the proposed multilateral treaty does not impose any obligation upon a signatory in relation to a state which has not signed the treaty or has broken it, any decision taken to apply sanctions against a Member of the League which has made war in violation of its Covenant pledges would not appear to conflict with the obligations of the treaty.

His Majesty's Government in Canada will have pleasure in cooperating in any future negotiations with a view to becoming a signatory to a treaty such as is proposed by the Government of the United States in the invitation which it has extended, and to recommending its acceptance to the Canadian Parliament.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) W. L. Mackenzie King.

3. Reply of the Irish Free State Government to Minister Sterling at Dublin

Dublin, *May 30, 1928.*

Excellency:

I have the honor to acknowledge receipt of Your Excellency's note of 22nd May referring to the draft treaty for the renunciation of war and extending an invitation from your Government to the Government of the Irish Free State to become one of the original parties to the proposed treaty.

The Government of the Irish Free State warmly welcome the action of the United States Government in initiating this further advance

toward the maintenance of general peace. They are in cordial agreement with the general principle of the draft treaty which they confidently hope will insure the peaceful settlement of future international disputes.

Sharing the view expressed by the Secretary of State of the United States in his speech before the American Society of International Law that nothing in the draft treaty is inconsistent with the Covenant of the League of Nations, the Government of the Irish Free State accept unreservedly the invitation of the United States Government to become a party to the treaty jointly with the other states similarly invited.

The Government of the Irish Free State will be glad therefore to participate in, and to further by every possible means, the negotiations which may be necessary for the conclusion of the pact.

Accept Excellency the renewed assurance of my highest consideration.

(Signed) P. McGILLIGAN.

4. Reply of the New Zealand Government through the British Ministry for Foreign Affairs

LONDON, *May 30, 1928.*

SIR:

In the note which Mr. Houghton was so good as to address to me on May 22 he extended on behalf of the Government of the United States an invitation to His Majesty's Governments in the Commonwealth of Australia, New Zealand and in the Union of South Africa as well as to the Government of India to participate individually and as original signatories in the treaty for the renunciation of war which is now under consideration.

I now have the honor to inform you that His Majesty's Government in New Zealand have received with warm appreciation the invitation addressed to New Zealand to become an original party to the treaty proposed by the Government of the United States for the renunciation of war. His Majesty's Government in New Zealand were presented the opportunity, in cooperation with His Majesty's Governments in other parts of the British Empire, of associating themselves with the Government of the United States in this movement to add greater security to the peace of the world and they will be happy to share in any negotiations leading to the conclusion of the proposed treaty.

I have the honor to be,

With high consideration,
Sir,
Your obedient servant,
(For the Secretary of State)

(Signed) R. L. CRAIGIE.

5. Reply of the Commonwealth of Australia through the British Ministry for Foreign Affairs

LONDON, *June 2, 1928.*

SIR:

In the note which Mr. Houghton was so good as to address to me on May 22 last he extended on behalf of the Government of the United States an invitation to His Majesty's Government in the Commonwealth of Australia to participate individually and as an original signatory in the treaty for the renunciation of war which is now under consideration.

I now have the honor to inform you that His Majesty's Government in the Commonwealth of Australia have received with appreciation the invitation to participate as an original party in the treaty for the renunciation of war which has been proposed by the Government of the United States of America. His Majesty's Government in the Commonwealth of Australia have carefully and sympathetically examined the draft treaty submitted to them together with the correspondence that has so far been exchanged between the interested governments. They believe that a treaty such as that proposed would be a further material safeguard to the peace of the world and they will be happy to cooperate to the fullest extent in its successful conclusion.

I have the honor to be,

With high consideration,

Sir,

Your obedient servant,

(For the Secretary of State)

(Signed) R. L. CRAIGIE.

6. Reply of the Government of India through the British Ministry for Foreign Affairs

LONDON, *June 11, 1928.*

SIR:

In the note which Mr. Houghton was so good as to address to me on the 23rd, ultimo, he extended on behalf of the Government of the United States an invitation to the Government of India to participate individually and as an original signatory in the treaty for the renunciation of war which is now under consideration.

I now have the honor to inform you that the Government of India have requested that an expression of their warm thanks may be conveyed to the United States Government for this invitation which they are happy to accept. I have the honor to add that the Government of

India desire to associate themselves with the note which I had the honor to address to Mr. Houghton on the 19th ultimo.

I have the honor to be with high consideration,

Sir,

Your obedient servant,

(For the Secretary of State)

R. L. CRAIGIE.

7. Reply of the Government of the Union of South Africa through the British Ministry for Foreign Affairs

LONDON, *June 15, 1928.*

RAY ATHERTON, Esquire,

American Chargé d'Affaires ad interim, London.

SIR:

With reference to the note which Mr. Houghton was so good as to address to me on the 22d May conveying an invitation to His Majesty's Government in the Union of South Africa to become an original party to the proposed treaty for the renunciation of war, I have the honor to inform you that the following message has been received by telegraph from General Hertzog, Minister of External Affairs of State, the Union of South Africa, for communication to you:

"Through the good offices of His Majesty's Government in the United Kingdom the contents of the note addressed by Your Excellency to His Excellency the British Secretary of State for Foreign Affairs on the 22d May were duly conveyed to me. On behalf of His Majesty's Government in the Union of South Africa I beg to state that the cordial invitation of the Government of the United States extended to His Majesty's Government in the Union of South Africa to participate individually and as an original signatory in the treaty for the renunciation of war which the United States Government proposed to various governments on the 13th April last, is highly appreciated, and that His Majesty's Government in the Union of South Africa will gladly take part therein as invited together with the other Governments whose participation in the proposed treaty was invited in the first instance.

"In expressing their willingness to be a party to the proposed treaty His Majesty's Government in the Union of South Africa take it for granted —

"(*a*) That it is not intended to deprive any party to the proposed treaty of any of its natural right of legitimate self-defense;

"(*b*) That a violation by any one of the parties of any of the provisions of the proposed treaty will free the other parties from obligation to observe its terms in respect of the party committing such violation; and

"(*c*) That provision will be made for rendering it quite clear that it is not intended that the Union of South Africa by becoming a party to the proposed treaty would be precluded from fulfilling as a Member of the League of Nations its obligations towards the other Members thereof under the provisions of the Covenant of the League."

I have the honor to be

With high consideration,

Sir,

Your obedient servant,

(For the Secretary of State)

(Signed) R. L. CRAIGIE.

IV. SECOND AMERICAN DRAFT

1. Identic Notes to the Governments of Australia, Belgium,[1] Canada, Czechoslovakia,[1] France, Germany, Great Britain, India, Irish Free State, Italy, Japan, New Zealand, Poland,[1] and South Africa, and accompanying Draft Multilateral Treaty for the Renunciation of War, delivered at the Respective Foreign Offices, June 23, 1928

EXCELLENCY:

It will be recalled that, pursuant to the understanding reached between the Government of France and the Government of the United States, the American Ambassadors at London, Berlin, Rome and Tokyo transmitted on April 13, 1928, to the Governments to which they were respectively accredited the text of M. Briand's original proposal of June 20, 1927, together with copies of the notes subsequently exchanged by France and the United States on the subject of a multilateral treaty for the renunciation of war. At the same time the Government of the United States also submitted for consideration a preliminary draft of a treaty representing in a general way the form of treaty which it was prepared to sign, and inquired whether the Governments thus addressed were in a position to give favorable consideration thereto. The text of the identic notes of April 13, 1928, and a copy of the draft treaty transmitted therewith, were also brought to the attention of the Government of France by the American Ambassador at Paris.

It will likewise be recalled that on April 20, 1928, the Government of the French Republic circulated among the other interested Governments, including the Government of the United States, an alternative draft treaty, and that in an address which he delivered on April 28, 1928, before the American Society of International Law, the Secretary of State of the United States explained fully the construction placed by my Government upon the treaty proposed by it, referring as follows to the six major considerations emphasized by France in its alternative draft treaty and prior diplomatic correspondence with my Government:

(1) *Self-defense.* There is nothing in the American draft of an anti-war treaty which restricts or impairs in any way the right of self-defense. That right is inherent in every sovereign state and is implicit in every

[1] Added to include all parties to Locarno treaties.

treaty. Every nation is free at all times and regardless of treaty provisions to defend its territory from attack or invasion and it alone is competent to decide whether circumstances require recourse to war in self-defense. If it has a good case, the world will applaud and not condemn its action. Express recognition by treaty of this inalienable right, however, gives rise to the same difficulty encountered in any effort to define aggression. It is the identical question approached from the other side. Inasmuch as no treaty provision can add to the natural right of self-defense, it is not in the interest of peace that a treaty should stipulate a juristic conception of self-defense since it is far too easy for the unscrupulous to mold events to accord with an agreed definition.

(2) *The League Covenant.* The Covenant imposes no affirmative primary obligation to go to war. The obligation, if any, is secondary and attaches only when deliberately accepted by a state. Art. 10 of the Covenant has, for example, been interpreted by a resolution submitted to the Fourth Assembly but not formally adopted owing to one adverse vote to mean that "it is for the constitutional authorities of each member to decide, in reference to the obligation of preserving the independence and the integrity of the territory of members, in what degree the member is bound to assure the execution of this obligation by employment of its military forces." There is, in my opinion, no necessary inconsistency between the Covenant and the idea of an unqualified renunciation of war. The Covenant can, it is true, be construed as authorizing war in certain circumstances but it is an authorization and not a positive requirement.

(3) *The Treaties of Locarno.* If the parties to the treaties of Locarno are under any positive obligation to go to war, such obligation certainly would not attach until one of the parties has resorted to war in violation of its solemn pledges thereunder. It is therefore obvious that if all the parties to the Locarno treaties become parties to the multilateral anti-war treaty proposed by the United States, there would be a double assurance that the Locarno treaties would not be violated by recourse to arms. In such event it would follow that resort to war by any state in violation of the Locarno treaties would also be a breach of the multilateral anti-war treaty and the other parties to the anti-war treaty would thus as a matter of law be automatically released from their obligations thereunder and free to fulfill their Locarno commitments. The United States is entirely willing that all parties to the Locarno treaties should become parties to its proposed anti-war treaty either through signature in the first instance or by immediate accession to the treaty as soon as it comes into force in the manner provided in Art. III of the American draft, and it will offer no objection when and if such a suggestion is made.

(4) *Treaties of neutrality.* The United States is not informed as to the precise treaties which France has in mind and can not therefore dis-

cuss their provisions. It is not unreasonable to suppose, however, that the relations between France and the states whose neutrality she has guaranteed are sufficiently close and intimate to make it possible for France to persuade such states to adhere seasonably to the anti-war treaty proposed by the United States. If this were done no party to the anti-war treaty could attack the neutralized states without violating the treaty and thereby automatically freeing France and the other powers in respect of the treaty-breaking state from the obligations of the anti-war treaty. If the neutralized states were attacked by a state not a party to the anti-war treaty, the latter treaty would of course have no bearing and France would be as free to act under the treaties guaranteeing neutrality as if she were not a party to the anti-war treaty. It is difficult to perceive, therefore, how treaties guaranteeing neutrality can be regarded as necessarily preventing the conclusion by France or any other power of a multilateral treaty for the renunciation of war.

(5) *Relations with a treaty-breaking state.* As I have already pointed out there can be no question as a matter of law that violation of a multilateral anti-war treaty through resort to war by one party thereto would automatically release the other parties from their obligations to the treaty-breaking state. Any express recognition of this principle of law is wholly unnecessary.

(6) *Universality.* From the beginning it has been the hope of the United States that its proposed multilateral anti-war treaty should be world-wide in its application, and appropriate provision therefor was made in the draft submitted to the other Governments on April 13. From a practical standpoint it is clearly preferable, however, not to postpone the coming into force of an anti-war treaty until all the nations of the world can agree upon the text of such a treaty and cause it to be ratified. For one reason or another a state so situated as to be no menace to the peace of the world might obstruct agreement or delay ratification in such manner as to render abortive the efforts of all the other powers. It is highly improbable, moreover, that a form of treaty acceptable to the British, French, German, Italian and Japanese Governments as well as to the United States would not be equally acceptable to most, if not all, of the other powers of the world. Even were this not the case, however, the coming into force among the above-named six powers of an effective anti-war treaty and their observance thereof would be a practical guaranty against a second world war. This in itself would be a tremendous service to humanity and the United States is not willing to jeopardize the practical success of the proposal which it has made by conditioning the coming into force of the treaty upon prior universal or almost universal acceptance.

The British, German, Italian and Japanese Governments have now replied to my Government's notes of April 13, 1928, and the Governments of the British Dominions and of India have likewise replied to

the invitations addressed to them on May 22, 1928, by my Government pursuant to the suggestion conveyed in the note of May 19, 1928, from His Majesty's Government in Great Britain. None of these Governments has expressed any dissent from the above-quoted construction, and none has voiced the least disapproval of the principle underlying the proposal of the United States for the promotion of world peace. Neither has any of the replies received by the Government of the United States suggested any specific modification of the text of the draft treaty proposed by it on April 13, 1928, and my Government, for its part, remains convinced that no modification of the text of its proposal for a multilateral treaty for the renunciation of war is necessary to safeguard the legitimate interests of any nation. It believes that the right of self-defense is inherent in every sovereign state and implicit in every treaty. No specific reference to that inalienable attribute of sovereignty is therefore necessary or desirable. It is no less evident that resort to war in violation of the proposed treaty by one of the parties thereto would release the other parties from their obligations under the treaty towards the belligerent state. This principle is well recognized. So far as the Locarno treaties are concerned, my Government has felt from the very first that participation in the anti-war treaty by the powers which signed the Locarno agreements, either through signature in the first instance or thereafter, would meet every practical requirement of the situation, since in such event no state could resort to war in violation of the Locarno treaties without simultaneously violating the anti-war treaty, thus leaving the other parties thereto free, so far as the treaty-breaking state is concerned. As Your Excellency knows, the Government of the United States has welcomed the idea that all parties to the treaties of Locarno should be among the original signatories of the proposed treaty for the renunciation of war and provision therefor has been made in the draft treaty which I have the honor to transmit herewith. The same procedure would cover the treaties guaranteeing neutrality to which the Government of France has referred. Adherence to the proposed treaty by all parties to these other treaties would completely safeguard their rights since subsequent resort to war by any of them or by any party to the anti-war treaty would violate the latter treaty as well as the neutrality treaty, and thus leave the other parties to the anti-war treaty free, so far as the treaty-breaking state is concerned. My Government would be entirely willing, however, to agree that the parties to such neutrality treaties should be original signatories of the multilateral anti-war treaty, and it has no reason to believe that such an arrangement would meet with any objection on the part of the other Governments now concerned in the present negotiations.

While my Government is satisfied that the draft treaty proposed by it on April 13, 1928, could be properly accepted by the powers of the world without change except for including among the original signatories

the British Dominions, India, all parties to the treaties of Locarno and, it may be, all parties to the neutrality treaties mentioned by the Government of France, it has no desire to delay or complicate the present negotiations by rigidly adhering to the precise phraseology of that draft particularly since it appears that by modifying the draft in form though not in substance, the points raised by other Governments can be satisfactorily met and general agreement upon the text of the treaty to be signed be promptly reached. The Government of the United States has therefore decided to submit to the 14 other Governments now concerned in these negotiations a revised draft of a multilateral treaty for the renunciation of war. The text of this revised draft is identical with that of the draft proposed by the United States on April 13, 1928, except that the preamble now provides that the British Dominions, India and all parties to the treaties of Locarno are to be included among the powers called upon to sign the treaty in the first instance, and except that the first three paragraphs of the preamble have been changed to read as follows:

> "Deeply sensible of their solemn duty to promote the welfare of mankind;
>
> "Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;
>
> "Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty;"

The revised preamble thus gives express recognition to the principle that if a state resorts to war in violation of the treaty, the other contracting parties are released from their obligations under the treaty to that state; it also provides for participation in the treaty by all parties to the treaties of Locarno, thus making it certain that resort to war in violation of the Locarno treaties would also violate the present treaty and release not only the other signatories of the Locarno treaties but also the other signatories to the anti-war treaty from their obligations to the treaty-breaking state. Moreover, as stated above, my Government would be willing to have included among the original signatories the parties to the neutrality treaties referred to by the Government of the French Republic, although it believes that the interests of those states would be adequately safeguarded if, instead of signing in the first instance, they should choose to adhere to the treaty.

In these circumstances I have the honor to transmit herewith for the consideration of Your Excellency's Government a draft of a multi-

lateral treaty for the renunciation of war containing the changes outlined above. I have been instructed to state in this connection that the Government of the United States is ready to sign at once a treaty in the form herein proposed, and to express the fervent hope that the Government of.....will be able promptly to indicate its readiness to accept, without qualification or reservation, the form of treaty now suggested by the United States. If the Governments of Australia, Belgium, Canada, Czechoslovakia, France, Germany, Great Britain, India, the Irish Free State, Italy, Japan, New Zealand, Poland, South Africa and the United States can now agree to conclude this anti-war treaty among themselves, my Government is confident that the other nations of the world will, as soon as the treaty comes into force, gladly adhere thereto, and that this simple procedure will bring mankind's age-long aspirations for universal peace nearer to practical fulfilment than ever before in the history of the world.

I have the honor to state in conclusion that the Government of the United States would be pleased to be informed at as early a date as may be convenient whether Your Excellency's Government is willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form transmitted herewith.

[Inclosure]

TEXT OF DRAFT TREATY

The President of the United States of America, the President of the French Republic, His Majesty the King of the Belgians, the President of the Czechoslovak Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, the President of the German Reich, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Poland;

Deeply sensible of their solemn duty to promote the welfare of mankind;

Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations

of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a treaty and for that purpose have appointed as their respective Plenipotentiaries:

The President of the United States of America

.....

The President of the French Republic

.....

His Majesty the King of the Belgians

.....

The President of the Czechoslovak Republic

.....

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate members of the League of Nations

.....

For the Dominion of Canada

.....

For the Commonwealth of Australia

.....

For the Dominion of New Zealand

.....

For the Union of South Africa

.....

For the Irish Free State

.....

For India

.....

The President of the German Reich

.....

His Majesty the King of Italy

.....

His Majesty the Emperor of Japan

.....

The President of the Republic of Poland

.....

who, having communicated to one another their full powers found in good and due form have agreed upon the following articles:

ART. I. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ART. II. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever

origin they may be, which may arise among them, shall never be sought except by pacific means.

ART. III. The present treaty shall be ratified by the high contracting parties named in the preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at.....

This treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other powers of the world. Every instrument evidencing the adherence of a power shall be deposited at.....and the treaty shall immediately upon such deposit become effective as between the power thus adhering and the other powers parties hereto.

It shall be the duty of the Government of.....to furnish each Government named in the preamble and every Government subsequently adhering to this treaty with a certified copy of the treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of.....telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

In faith whereof the respective plenipotentiaries have signed this treaty in the French and English languages both texts having equal force, and hereunto affix their seals.

Done at.....the.....day of.....in the year of our Lord one thousand nine hundred and twenty.....

2. Reply of the German Government, July 11, 1928

[Translation]

BERLIN, *July 11, 1928.*

EXCELLENCY:

I acknowledge the receipt of Your Excellency's note of June 23, 1928, regarding the conclusion of an international pact for the renunciation of war, and have the honor to reply thereto as follows on behalf of the German Government:

The German Government has examined with the greatest care the contents of the note and the revised draft of the pact which was inclosed. The Government is pleased to state that the standpoint of the Government of the United States of America as set forth in the note corresponds with the fundamental German conception as it was communicated in the note of April 27, 1928. The German Government also agrees to the changes in the preamble of the draft of the pact. It is therefore pleased to be able to state that it takes cognizance of the statements made by the Government of the United States of America contained in Your Excellency's note of June 23, that it agrees to the interpretation which is given therein to the provision of the proposed

pact and that it is accordingly ready to sign this pact in the form now proposed.

Please accept, etc.

(Signed) SCHUBERT.

3. Reply of the French Government, July 14, 1928

[Translation]

PARIS, *July 14, 1928.*

MR. AMBASSADOR:

By your letter of June 23 last Your Excellency was good enough to transmit to me a revised text of the draft treaty for the renunciation of war accompanied by the interpretations given to it by the United States.

I beg you to convey to the Government of the United States the interest with which the Government of the Republic has taken cognizance of this new communication which is suited to facilitate the signature of the treaty whose successful conclusion is equally close to the hearts of the French and American nations.

First of all it follows from the new preamble that the proposed treaty indeed aims at the perpetuation of the pacific and friendly relations under the contractual conditions in which they are to-day established between the interested nations; that it is essentially a question for the signatory powers of renouncing war "as an instrument of their national policy" and also that the signatory power which hereafter might seek, by itself resorting to war, to promote its own national interests should be denied the benefits of the treaty.

The Government of the Republic is happy to declare that it is in accord with these new stipulations.

The Government of the Republic is happy moreover to take note of the interpretations which the Government of the United States gives to the new treaty with a view to satisfying the various observations which had been formulated from the French point of view.

These interpretations may be resumed as follows:

Nothing in the new treaty restrains or compromises in any manner whatsoever the right of self-defense. Each nation in this respect will always remain free to defend its territory against attack or invasion; it alone is competent to decide whether circumstances require recourse to war in self-defense.

Secondly, none of the provisions of the new treaty is in opposition to the provisions of the Covenant of the League of Nations nor with those of the Locarno treaties or the treaties of neutrality.

Moreover any violation of the new treaty by one of the contracting parties would automatically release the other contracting powers from their obligations to the treaty-breaking state.

Finally, the signature which the Government of the United States has now offered to all the signatory powers of the treaties concluded at

Locarno and which it is disposed to offer to all powers parties to treaties of neutrality as well as the adherence made possible to other powers is of a nature to give the new treaty in as full measure as can practically be desired, the character of generality which accords with the views of the Government of the Republic.

Thanks to the clarification given by the new preamble and thanks moreover to the interpretations given to the treaty, the Government of the Republic congratulates itself that the new convention is compatible with the obligations of existing treaties to which France is otherwise a contracting party and the integral respect of which is necessarily imperatively imposed upon her by good faith and loyalty.

In this situation and under these circumstances the Government of the Republic is happy to be able to declare to the Government of the United States that it is now entirely disposed to sign the treaty as proposed by the letter of Your Excellency of June 23, 1928.

At the moment of thus assuring its contribution to the realization of a long matured project, all the moral significance of which it had gauged from the beginning, the Government of the Republic desires to render homage to the generous spirit in which the Government of the United States has conceived this new manifestation of human fraternity which eminently conforms to the profound aspirations of the French people as well as of the American people and responds to the sentiment more and more widely shared among peoples of international solidarity.

Please accept, etc.

(Signed) ARISTIDE BRIAND.

4. Reply of the Government of the Irish Free State, July 14, 1928

DUBLIN, *July 14, 1928.*

EXCELLENCY:

Your Excellency's note of the 23d June inclosing a revised draft of proposed treaty for the renunciation of war has been carefully studied by the Government of the Irish Free State.

As I informed you in my note of the 30th May, the Government of the Irish Free State were prepared to accept unreservedly the draft treaty proposed by your Government on the 13th April, holding, as they did, that neither their right of self-defense nor their commitments under the Covenant of the League of Nations were in any way prejudiced by its terms.

The draft treaty as revised is equally acceptable to the Government of the Irish Free State, and I have the honor to inform you that they are prepared to sign it in conjunction with such other Governments as may be so disposed. As the effectiveness of the proposed treaty as an instrument for the suppression of war depends to a great extent upon its universal application, the Government of the Irish Free State hope that the treaty may meet with the approbation of the other Govern-

ments to whom it has been sent and that it may subsequently be accepted by all the other powers of the world.

Accept, Excellency, the renewed assurance of my highest consideration.

(Signed) P. McGILLIGAN.

5. Reply of the Italian Government, July 15, 1928

[Translation]

ROME, *July 15, 1928.*

EXCELLENCY:

I have the honor to refer to the letter which, under instructions of your Government, Your Excellency addressed to me under date of the 23d of June last and to ask Your Excellency to inform your Government as follows:

The Royal Government, which has attentively examined the last draft of a treaty for the elimination of war proposed by the United States, takes note of and agrees with the interpretation of the said treaty which the Government of the United States sets forth in the above mentioned note of June 23 last and on this premise declares that it is disposed to proceed to the signature thereof.

I am happy to take this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) MUSSOLINI.

6. Reply of the Canadian Government, July 16, 1928 (handed to the American Minister at Ottawa by the Secretary of State for External Affairs, Mr. W. L. Mackenzie King)

OTTAWA, *July 16, 1928.*

SIR:

I desire to acknowledge your note of June 23 and the revised draft which it contained of the treaty for the renunciation of war, and to state that His Majesty's Government in Canada cordially accepts the treaty as revised and is prepared to participate in its signature.

Accept, Sir, the renewed assurances of my highest consideration.

(Signed) W. L. MACKENZIE KING.

7. Reply of the Government of Belgium, July 17, 1928

[Translation]

BRUSSELS, *July 17, 1928.*

MR. AMBASSADOR:

The Government of the King has examined with lively sympathy the letter of June 23 in which, acting on instructions from your Government, you have been good enough to invite Belgium to conclude a

multilateral treaty providing that the signatory states bind themselves to renounce war as an instrument of national policy.

Belgium is deeply attached to peace. She has always worked actively for the realization of movements tending to consolidate peace. She is therefore happy to pay her tribute to the idea inspiring the draft treaty.

The text prepared by the Government of Washington commands the full approbation of the Royal Government. This Government notes with satisfaction the explanations and interpretations contained in Your Excellency's letter. It is pleased to note that the proposed pact will maintain unimpaired the rights and obligations arising from the Covenant of the League of Nations and from the Locarno agreements which constitute for Belgium fundamental guaranties of security.

The Belgian Government highly appreciates the action of the American Government which permits it to join in the great work destined to develop the spirit of peace throughout the world and to diminish in future the risk of new catastrophes.

The Royal Government would be grateful if the Government of the United States would inform it as to the date and place which it may choose for the signature of the treaty.

I avail myself of this opportunity, etc.

(Signed) HYMANS.

8. Reply of the Government of Poland, July 8, 1928 [1]

WARSAW, *July 8, 1928.*

MR. MINISTER:

I have the honor to acknowledge the receipt of the note No. 1175 of June 23 last which you were good enough to send me, to which was attached the draft of a multilateral pact against war, as proposed by His Excellency, Mr. Kellogg.

The principles which Mr. Kellogg has emphasized in the draft above mentioned being entirely conformable with the objectives that Poland never ceases pursuing in its foreign policy, I have the honor to communicate to you the fact that the Polish Government accepts the text of the above stated pact and declares itself ready to affix its signature thereto.

As regards the interpretation of the pact in question which you have been good enough to give in your note of June 23 and which confirms the fact that the pact is destined to insure the consolidation of peaceful relations between states on the basis of the existing international obligations, the Polish Government takes note of the following statements:

(1) That the pact does not affect in any way the right of legitimate defense inherent in each state.

[1] Although dated July 8, 1928, the note was not presented to the American minister until July 17.

(2) That each state signatory to the pact who may endeavor to realize its national interests by means of war shall be deprived of the benefits of the said pact.

(3) That no incompatibility exists between the stipulations of the pact against war and the obligations deriving from the Covenant of the League of Nations for states which are Members of the latter. This statement results from the very fact that the pact proposed by Mr. Kellogg stipulates the renunciation of war as an instrument of national policy.

These precisions as well as the opportunity given to all states to adhere to the pact are of a nature to assure to Poland the possibility of satisfying her international obligations.

The Polish Government permits itself to express the hope of seeing the realization in the near future of this common work of peace and stabilization destined to assure its benefits to all mankind.

Please accept, Mr. Minister, the assurance of my high consideration.

(Signed) Wysocki.

9. Reply of the Government of Great Britain, July 18, 1928 (handed by Sir Austen Chamberlain to the American Chargé d'Affaires ad interim in London)

London, *July 18, 1928.*

Sir:

I am happy to be able to inform you that after carefully studying the note which you left with me on the 23rd June, transmitting the revised text of the draft of the proposed treaty for the renunciation of war, His Majesty's Government in Great Britain accept the proposed treaty in the form transmitted by you and will be glad to sign it at such time and place as may be indicated for the purpose by the Government of the United States.

My Government have read with interest the explanations contained in your note as to the meaning of the draft treaty, and also the comments which it contains upon the considerations advanced by other powers in the previous diplomatic correspondence.

You will remember that in my previous communication of the 19th May I explained how important it was to my Government that the principle should be recognized that if one of the parties to this proposed treaty resorted to war in violation of its terms, the other parties should be released automatically from their obligations towards that party under the treaty. I also pointed out that respect for the obligations arising out of the Covenant of the League of Nations and of the Locarno treaties was the foundation of the policy of the Government of this country, and that they could not agree to any new treaty which would weaken or undermine these engagements.

The stipulation now inserted in the preamble under which any signatory power hereafter seeking to promote its national interests by resorting to war against another signatory is to be denied the benefits furnished by the treaty is satisfactory to my Government, and is sufficient to meet the first point mentioned in the preceding paragraph.

His Majesty's Government in Great Britain do not consider, after mature reflection, that the fulfilment of the obligations which they have undertaken in the Covenant of the League of Nations and in the treaty of Locarno is precluded by their acceptance of the proposed treaty. They concur in the view enunciated by the German Government in their note of the 27th April that those obligations do not contain anything which could conflict with the treaty proposed by the United States Government.

My Government have noted with peculiar satisfaction that all the parties to the Locarno treaty are now invited to become original signatories of the new treaty, and that it is clearly the wish of the United States Government that all Members of the League should become parties either by signature or accession. In order that as many states as possible may participate in the new movement, I trust that a general invitation will be extended to them to do so.

As regards the message in my note of the 19th May relating to certain regions of which the welfare and integrity constitute a special and vital interest for our peace and safety, I need only repeat that His Majesty's Government in Great Britain accept the new treaty upon the understanding that it does not prejudice their freedom of action in this respect.

I am entirely in accord with the views expressed by Mr. Kellogg in his speech of the 28th April that the proposed treaty does not restrict or impair in any way the right of self-defense, as also with his opinion that each state alone is competent to decide when circumstances necessitate recourse to war for that purpose.

In the light of the foregoing explanations, His Majesty's Government in Great Britain are glad to join with the United States and with all other Governments similarly disposed in signing a definitive treaty for the renunciation of war as transmitted in your note of the 23rd June. They rejoice to be associated with the Government of the United States of America and the other parties to the proposed treaty in a further and signal advance in the outlawry of war.

I have the honor to be, with high consideration, Sir, your obedient servant.

(Signed) AUSTEN CHAMBERLAIN.

10. The Reply of the Australian Government, July 18, 1928 (handed by Sir Austen Chamberlain to the American Chargé d'Affaires ad interim in London)

LONDON, *July 18, 1928.*

SIR:

In the note which you were so good as to address to me on June 23 last you stated that the Government of the United States would be glad to be informed whether His Majesty's Government in the Commonwealth of Australia were willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note.

2. I now beg leave to inform you that His Majesty's Government in the Commonwealth of Australia have given the most careful consideration to your note above mentioned and to the revised draft treaty which accompanied it and that they accept the assurance given by the United States Secretary of State that the right of self-defense of a signatory state will not be impaired in any way by acceptance of the proposed treaty.

3. The Commonwealth Government have further observed that it is stated in your note of June 23 that the preamble to the revised treaty accords express recognition to the principle that if one signatory state resorts to war in violation of the treaty the other signatory states will be released from their obligations under the treaty to that state. They accept this declaration that the preamble in this respect is to be taken as a part of the substantive provisions of the treaty itself.

4. They have also particularly examined the draft treaty from the point of view of its relationship to the Covenant of the League of Nations and in this connection have come to the conclusion that it is not inconsistent with the latter instrument.

5. His Majesty's Government in the Commonwealth of Australia add that the foregoing are the only questions to which the proposed treaty gives rise in which they are especially interested. As the text of the treaty which has now been submitted is completely satisfactory to them so far as these specific points are concerned they will be quite agreeable to signing it in its present form.

I have [etc.]

(Signed) AUSTEN CHAMBERLAIN.

11. Reply of the Government of India, July 18, 1928 (handed by Sir Austen Chamberlain to the American Chargé d'Affaires ad Interim in London)

LONDON, *July 18, 1928.*

SIR:

In the note which you were so good as to address to me on June 23 last you stated that the Government of the United States would be

glad to be informed whether the Government of India were willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note two.

2. I now beg leave to inform you that the Government of India associate themselves wholeheartedly and most gladly with the terms of the note which I have had the honor to transmit to you today notifying you of the willingness of His Majesty's Government in Great Britain to sign a multilateral treaty for the renunciation of war as proposed by the Government of the United States.

I have [etc.]

(Signed) AUSTEN CHAMBERLAIN.

12. Reply of the Government of New Zealand, July 18, 1928 (handed by Sir Austen Chamberlain to the American Chargé d'Affaires ad Interim in London)

LONDON, *July 18, 1928.*

SIR:

In the note which you were so good as to address to me on June 23 last you stated that the Government of the United States would be glad to be informed whether His Majesty's Government in New Zealand were willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty enclosed in your note two.

2. I now beg leave to inform you that His Majesty's Government in New Zealand desire to associate themselves with the terms of the note which I have had the honor to address to you today notifying you of the willingness of His Majesty's Government in Great Britain to sign a multilateral treaty for the renunciation of war as proposed by the Government of the United States. His Majesty's Government in New Zealand desire me to add that they will have the utmost satisfaction in cooperation with His Majesty's Governments in other parts of the British Empire in joining with the Government of the United States and with all other Governments similarly disposed in signing a treaty in the form proposed.

I have [etc.]

(Signed) AUSTEN CHAMBERLAIN.

13. Reply of the Government of the Union of South Africa, July 18, 1928 (handed by Sir Austen Chamberlain to the American Chargé d'Affaires ad Interim in London)

LONDON, *July 18, 1928.*

SIR:

In the note which you were so good as to address to me on June 23 last you stated that the Government of the United States would be

glad to be informed whether His Majesty's Government in the Union of South Africa were willing to join with the United States and other similarly disposed Governments in signing a definitive treaty for the renunciation of war in the form of the draft treaty inclosed in your note two.

2. I now beg leave to inform you that the following message has been received by telegraph from General Hertzog, minister of external affairs of the Union of South Africa, for communication to you:

"On behalf of His Majesty's Government in the Union of South Africa I have the honor to inform you that my Government have given their most serious consideration to the new draft treaty for the renunciation of war submitted in your note of the 23rd June and to the observations accompanying it.

"My Government note with great satisfaction

"(*a*) That it is common cause that the right of legitimate self-defense is not affected by the terms of the new draft.

"(*b*) That according to the preamble any signatory who shall seek to promote its national interests by resorting to war shall forfeit the benefits of the treaty, and;

"(*c*) That the treaty is open to accession by all powers of the world.

"My Government have further examined the question whether the provisions of the present draft are inconsistent with the terms of the Covenant of the League of Nations by which they are bound and have come to the conclusion that this is not the case and that the objects which the League of Nations was constituted to serve can best be promoted by Members of the League of Nations participating in the proposed treaty.

"His Majesty's Government in the Union of South Africa have therefore very great pleasure in expressing their willingness to sign together with all other powers which might be similarly inclined the treaty in the form proposed in your note under reference."

I have [etc.]

(Signed) AUSTEN CHAMBERLAIN.

14. Reply of the Czechoslovak Government, July 20, 1928, Eduard Beneš, Minister for Foreign Affairs, to the American Minister at Prague

[Translation]

PRAGUE, *July 20, 1928.*

MR. MINISTER:

I have had the honor of receiving Your Excellency's letter of June 23 by which the Government of the United States invites the Government of the Czechoslovak Republic to sign the proposed treaty for the

renunciation of war. The same invitation was transmitted to our representative in Washington. The letter contains in addition to the integral text of the proposed treaty a commentary on the text which explains the remarks of the French Government and indicates in detail the meaning and the significance which the Government of the United States attaches to the multilateral treaty in the event of the treaty's signature, ratification and enactment.

I have the honor to transmit to Your Excellency by this note the reply of the Czechoslovak Government.

1. First I would very respectfully thank the Government of the United States for having addressed its invitation to us. From the beginning we have followed the negotiations between the French and American Governments on the subject of the pact for the renunciation of war with the greatest sympathy and attention, and were ready at any moment to associate ourselves with this noble undertaking, which marks a memorable date in the history of the world after the war. In our negotiations which I have had the honor, during the last few months, to carry on with the representatives of the United States, France and Great Britain, I have several times emphasized the importance of this act and the political necessity of associating thereto also the other powers and especially those who have assumed obligations by their negotiations at Locarno in 1925. The Government of the United States, agreeing fully in this with the other powers, has been good enough to recognize the justice of this point of view and addressed to us its invitation. The Czechoslovak Government attributes thereto a considerable political importance and warmly thanks the Washington Government.

2. In accordance with the negotiations prior to the signing of the treaty, as well as by the changes made in the preamble from the original text, and from the explanations contained in Your Excellency's letter of June 23, 1928, it is clear that there is nothing in this treaty in opposition either to the provisions of the Covenant of the League of Nations, nor with those of the Locarno treaties, or the neutrality treaties, nor in general with the obligations contained in existing treaties which the Czechoslovak Republic has hitherto made.

3. From the explanations given in Your Excellency's letter it is further brought out that any violation of the multilateral treaty by one of the contracting parties would free entirely the other signatory powers from their obligations towards the power which might have violated the stipulations of this treaty. It is furthermore apparent that the right of self-defense is in no way weakened nor restricted by the obligations of the new treaty and that each power is entirely free to defend itself according to its will and its necessities against attack and foreign invasion.

4. As thus defined both in the text of the preamble and in the statements of Your Excellency's letter, the goal of the new treaty, according

to the opinion of the Czechoslovak Republic, is to consolidate and maintain peaceful relations and peaceful and friendly collaboration under the contractual terms in which these have today been established between the interested nations. By their signature, the contracting parties will renounce war as an instrument of their national policy aimed to satisfy their selfish interests. This would be an immense benefit for humanity; and the Government of the Czechoslovak Republic rejoices to see that the American Government is ready to offer participation in this treaty, on the one hand to the powers who are parties to the neutrality treaties and on the other to all other powers in order to invest it with as universal a character as possible.

5. The Government of the Czechoslovak Republic having noted everything contained in Your Excellency's note expresses its point of view on this subject as shown in the foregoing, thus confirming the explanations of your note of June 23, 1928. It is very happy to be able to reply in the affirmative to the invitation of the Washington Government and thanking it again and most particularly for its generous efforts toward consolidating and maintaining world peace, declares that it is now ready to sign the text of the multilateral treaty in accordance with the proposition of His Excellency, Mr. Kellogg as set forth in Your Excellency's letter of June 23, 1928.

I venture to add that the Government of the Czechoslovak Republic gladly associates itself with all those who have rendered warm homage to the noble manifestation for world peace made by the Government of the United States and that the foreign policy of our country sees therein the realization of the ends which it has pursued for ten years.

Pray accept, Mr. Minister, the expressions of my highest consideration.

(Signed) EDUARD BENEŠ.

15. Reply of the Japanese Government, July 20, 1928, Baron Giichi Tanaka, Minister for Foreign Affairs, to the American Chargé d'Affaires in Tokyo

[Translation]

TOKYO, *July 20, 1928.*

SIR:

I have the honor to acknowledge the receipt of your note of the 23rd ultimo in which you recall to my attention your Government's identic note of the 13th of April of this year, inclosing, together with certain correspondence, the preliminary draft of a treaty, and inquiring whether this Government were in a position to give favorable consideration to the latter. Your note under reply further recalls that on the 20th of April the Government of the French Republic circulated among the interested Governments an alternative draft treaty, and that on the 28th of April the Secretary of State of the United States of America

explained fully the construction placed by that Government on their own draft, in view of the matter emphasized in the French alternative.

You now further inform me that the British, German and Italian Governments have replied to your Government's notes of the 13th April last, and that the Governments of the British self-governing Dominions and of India have likewise replied to invitations addressed to them on the suggestion of His Britannic Majesty's Government in Great Britain; and you observe that none of these Governments has expressed any dissent from the construction above referred to, or any disapproval of the principle underlying the proposals; nor have they suggested any specific modifications of the text of the draft; and you proceed to reenforce in detail the explanations made by the Secretary of State in his speech of the 28th April.

You then transmit for the consideration of this Government the revised draft of a multilateral treaty, which takes in the British self-governing Dominions, India and all parties to the Locarno treaty, as original parties, and in the preamble of which is included a statement which is directed to recognizing the principle that if a state goes to war in violation of the treaty, the other contracting powers are released from their obligations under the treaty to that state.

Such a multilateral treaty as so revised, you are instructed to state your Government are ready to sign at once, and you express the fervent hope that this Government will be able promptly to indicate greatest readiness to accept it in this form without qualification or reservation. You conclude by expressing the desire of the Government of the United States to know whether my Government are prepared to join with the United States and other similarly disposed Governments in signing a definitive treaty in the form so transmitted.

In reply I have the honor to inform you that the Japanese Government are happy to be able to give their full concurrence to the alterations now proposed, their understanding of the original draft submitted to them in April last being, as I intimated in my note to His Excellency, Mr. MacVeagh, dated the 26th of May, 1928, substantially the same as that entertained by the Government of the United States. They are therefore ready to have produced instructions for the signature, on that footing, of the treaty in the form in which it is now proposed.

I can not conclude without congratulating your Government most warmly upon the rapid and general acceptance which their proposals have met with. The Imperial Government are proud to be among the first to be associated with a movement so plainly in unison with the hopes everywhere entertained, and confidently concur with the high probability of the acceptance of this simple and magnanimous treaty by the whole civilized world.

I beg you, Monsieur le Chargé d'Affaires, to accept the renewed assurance of my high consideration.

(Signed) Baron Giichi Tanaka.

APPENDIX II

I. THE TREATY FOR THE RENUNCIATION OF WAR

1. Text of the Treaty as signed at Paris, August 27, 1928

The President of the German Reich, the President of the United States of America, His Majesty the King of the Belgians, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Poland, the President of the Czechoslovak Republic,

Deeply sensible of their solemn duty to promote the welfare of mankind;

Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty;

Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavor and by adhering to the present treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a treaty and for that purpose have appointed as their respective plenipotentiaries:

The President of the German Reich: Dr. Gustav Stresemann, Minister for Foreign Affairs;

The President of the United States of America: The Honorable Frank B. Kellogg, Secretary of State;

His Majesty the King of the Belgians: Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;

The President of the French Republic: Mr. Aristide Briand, Minister for Foreign Affairs;

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations: the Right Honorable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;

For the Dominion of Canada: The Right Honorable William Lyon Mackenzie King, Prime Minister and Minister for External Affairs;

For the Commonwealth of Australia: the Honorable Alexander John McLachlan, Member of the Executive Federal Council;

For the Dominion of New Zealand: the Honorable Sir Christopher James Parr, High Commissioner for New Zealand in Great Britain;

For the Union of South Africa: the Honorable Jacobus Stephanus Smit, High Commissioner for the Union of South Africa in Great Britain;

For the Irish Free State: Mr. William Thomas Cosgrave, President of the Executive Council;

For India: the Right Honorable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;

His Majesty the King of Italy: Count Gaetano Manzoni, His Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the Emperor of Japan: Count Uchida, Privy Councillor;

The President of the Republic of Poland: Mr. A. Zaleski, Minister for Foreign Affairs;

The President of the Czechoslovak Republic: Dr. Eduard Beneš, Minister for Foreign Affairs;

Who, having communicated to one another their full powers found in good and due form have agreed upon the following articles:

ART. 1. The high contracting parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ART. 2. The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

ART. 3. The present treaty shall be ratified by the high contracting parties named in the preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington.

This treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other powers of the world. Every instrument evidencing the adherence of a power shall be deposited at Washington and the treaty shall immediately upon such deposit become effective

as between the power thus adhering and the other powers parties hereto.

It shall be the duty of the Government of the United States to furnish each Government named in the preamble and every Government subsequently adhering to this treaty with a certified copy of the treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

In faith whereof the respective plenipotentiaries have signed this treaty in the French and English languages both texts having equal force, and hereunto affix their seals.

Done at Paris the 27th day of August in the year one thousand nine hundred and twenty-eight.

(Seal) GUSTAV STRESEMANN
(Seal) FRANK B. KELLOGG
(Seal) PAUL HYMANS
(Seal) ARI BRIAND
(Seal) CUSHENDUN
(Seal) W. L. MACKENZIE KING
(Seal) A. J. MCLACHLAN
(Seal) C. J. PARR
(Seal) J. S. SMIT
(Seal) LIAM T. MACCOSGAIR
(Seal) CUSHENDUN
(Seal) G. MANZONI
(Seal) UCHIDA
(Seal) AUGUST ZALESKI
(Seal) DR. EDUARD BENEŠ

II. INVITATION TO OTHER STATES TO ADHERE

1. The Note of Invitation

[The following note was addressed on August 27, 1928, through American missions abroad, to the Governments enumerated below:

ALBANIA
AFGHANISTAN
ARGENTINA
AUSTRIA
BOLIVIA
BRAZIL
BULGARIA
CHILE
CHINA
COLOMBIA
COSTA RICA
CUBA
DENMARK
DOMINICAN REPUBLIC
ECUADOR
EGYPT
ESTONIA
ETHIOPIA
FINLAND
GREECE
GUATEMALA
HAITI
HONDURAS
HUNGARY
ICELAND
LATVIA
LIBERIA
LITHUANIA
LUXEMBURG
MEXICO
NETHERLANDS
NICARAGUA
NORWAY
PANAMA
PARAGUAY
PERSIA
PERU
PORTUGAL
RUMANIA
SALVADOR
SERB-CROAT-SLOVENE STATE
SIAM
SPAIN
SWEDEN
SWITZERLAND
TURKEY
URUGUAY
VENEZUELA

[Through the French Government to the UNION OF SOCIALIST SOVIET REPUBLICS.]

I have the honor to inform you that the Governments of Germany, the United States of America, Belgium, France, Great Britain, Canada, Australia, New Zealand, Union of South Africa, Irish Free State, India, Italy, Japan, Poland, and Czechoslovakia have this day signed in Paris a treaty binding them to renounce war as an instrument of national policy in their relations with one another and to seek only by pacific means the settlement or solution of all disputes which may arise among them.

This treaty, as Your Excellency is aware, is the outcome of negotiations which commenced on June 20, 1927, when M. Briand, Minister of Foreign Affairs of the French Republic submitted to my Government a draft of a pact of perpetual friendship between France and the United States. In the course of the subsequent negotiations this idea was extended so as to include as original signatories of the anti-war treaty not only France and the United States but also Japan, the British Empire and all the Governments which participated with France and Great Britain in the Locarno agreements, namely Belgium, Czechoslovakia, Germany, Italy and Poland. This procedure met the point raised by the British Government in its note of May 19, 1928, where it stated that the treaty from its very nature was not one which concerned that Government alone, but was one in which that Government could not undertake to participate otherwise than jointly and simultaneously with the Governments in the Dominions and the Government of India; it also settled satisfactorily the question whether there was any inconsistency between the new treaty and the treaty of Locarno, thus meeting the observations of the French Government as to the necessity of extending the number of original signatories.

The decision to limit the original signatories to the powers named above, that is, to the United States, Japan, the parties to the Locarno treaties, the British Dominions and India, was based entirely upon practical considerations. It was the desire of the United States that the negotiations be successfully concluded at the earliest possible moment and that the treaty become operative without the delay that would inevitably result were prior universal acceptance made a condition precedent to its coming into force. My Government felt, moreover, that if these powers could agree upon a simple renunciation of war as an instrument of national policy there could be no doubt that most, if not all, of the other powers of the world would find the formula equally acceptable and would hasten to lend their unqualified support to so impressive a movement for the perpetuation of peace. The United States has, however, been anxious from the beginning that no State should feel deprived of an opportunity to participate promptly in the new treaty and thus not only align itself formally and solemnly with this new manifestation of the popular demand for world peace but also avail itself of the identical benefits enjoyed by the original signatories. Accordingly in the draft treaty proposed by it the United States made specific provision for participation in the treaty by any and every power desiring to identify itself therewith, and this same provision is found in the definitive instrument signed to-day in Paris. It will also be observed that the powers signing the treaty have recorded in the preamble their hope that every nation of the world will participate in the treaty, and in that connection I am happy to be able to say that my Government has already received from several Governments informal indications that they are prepared to do so at the earliest possible

moment. This convincing evidence of the world-wide interest and sympathy which the new treaty has evoked is most gratifying to all the Governments concerned.

In these circumstances I have the honor formally to communicate to Your Excellency for your consideration and for the approval of your Government, if it concurs therein, the text of the above-mentioned treaty as signed to-day in Paris, omitting only that part of the preamble which names the several plenipotentiaries. The text is as follows:

[Here follows the text of the treaty.]

The provisions regarding ratification and adherence are, as Your Excellency will observe, found in the third and last article. That article provides that the treaty shall take effect as soon as the ratifications of all the powers named in the preamble shall have been deposited in Washington, and that it shall be open to adherence by all the other powers of the world, instruments evidencing such adherence to be deposited in Washington also. Any power desiring to participate in the treaty may thus exercise the right to adhere thereto and my Government will be happy to receive at any time appropriate notices of adherence from those Governments wishing to contribute to the success of this new movement for world peace by bringing their peoples within its beneficent scope. It will be noted in this connection that the treaty expressly provides that when it has once come into force it shall take effect immediately between an adhering power and the other parties thereto, and it is therefore clear that any Government adhering promptly will fully share in the benefits of the treaty at the very moment it comes into effect.

I shall shortly transmit for Your Excellency's convenient reference a printed pamphlet containing the text in translation of M. Briand's original proposal to my Government of June 20, 1927, and the complete record of the subsequent diplomatic correspondence on the subject of a multilateral treaty for the renunciation of war. I shall also transmit, as soon as received from my Government, a certified copy of the signed treaty.

2. Selected Replies to the Invitation

[Only those replies are given which include more than a formal intention to adhere or expressions of courtesy.]

a. Afghanistan (Adhesion)

[Excerpt]

It is understood that this complete adherence of the Afghan Government refers solely to the text of the treaty in the exact form in which Your Excellency kindly communicated it to me in your letter of August 27, 1928.

b. Brazil

The Minister for Foreign Affairs of Brazil to the American Ambassador at Rio de Janeiro, August 28, 1928

I have the honor to acknowledge the receipt of note No. 1382 of the 27th instant wherein Your Excellency informs me, in the name of your Government, of the text of the collective treaty to outlaw war which has just been signed at Paris.

Your Excellency states in the note to which I refer not only the origin of the said treaty but also the procedure adopted in its elaboration and the reasons why the negotiations on the subject were confined to certain nations. You add, however, that your Government, understanding that other states will desire to associate themselves in such a noble movement for peace, succeeded in having the necessary provision therefor adopted and that at any time the respective adhesions will be received with pleasure.

Believe, Mr. Ambassador, that the Brazilian Government at this happy moment rejoices with that of the United States of America and the other states and dominions, authors of the great pact. And its sincerity is so much the greater because in Brazil the principles on which the new treaty has conferred the most solemn of consecrations, before being engraved in the very text of the provisions of the federal constitution, have been in the conscience of the nation; to which principles it never expects to fail to give the fidelity which it owes them, whatever the emergency may be.

Taking note, Mr. Ambassador, of your important communication, for which I am cordially thankful,

I am, et cetera.

c. Cuba (Adhesion *ad referendum*)

The Chargé d'Affaires of the Cuban Embassy to the Secretary of State, August 31, 1928 [1]

Mr. Secretary:

I have the honor to inform Your Excellency that, on the proposition of the President of the Republic of Cuba, the Council of Secretaries approved that Cuba adhere to the covenant, commonly called Kellogg as a tribute to the illustrious statesman who conceived it, signed at Paris on the 27th of this month, and that at the said Council President Machado made the following declarations:

> "The Republic of Cuba will adhere to the multilateral Covenant signed in Paris on August 27, by which the nations condemn war as a system to settle international disputes, and obligate themselves to have recourse to peaceful means in the event of any misunderstanding.

[1] A preliminary note verbale was handed to the American ambassador at Habana on August 28, 1928.

"For more than three years, my Government has maintained a sincere cooperation in the efforts made by mankind to organize peace, and our active and consistent diplomatic action took shape in that sense at every international meeting, even though it be universal, such as the League of Nations, or regional, such as the Sixth International American Conference of Habana.

"I am convinced that this agreement which will bind the peoples by sacred promises, and must consolidate the interests of peace, will be effective, as also in other times there were treaties which created reasons for hatred and violence, and brought upon nations grief and ruin.

"Blessed be that America of ours whence came the admirable gesture of concord which will favor the pacific development of mankind and make it impossible that the work of the collective labor in which every people has its share and responsibility can be destroyed in one hour of insane avarice or wrath."

In having the honor to communicate the foregoing notice to Your Excellency, and the great satisfaction of my Government in joining in a Covenant which promotes the peace of the world, I venture to inform Your Excellency that at the proper time the Government of Cuba will, in the usual form, adhere to the Kellogg Covenant.

Accept, Excellency, etc.

(Signed) RAFAEL RODRIGUEZ ALTUNAGA,
Chargé d'Affaires ad interim.

The Chargé d'Affaires ad Interim of Cuba to the State Department, October 4, 1928

[Translation]

EXCELLENCY:

Pursuant to instructions from my Government, and referring to my note of August 31, 1928, I have the honor to present to Your Excellency the full powers by which the Honorable President of Cuba, General Gerardo Machado, accredits me near Your Excellency for the signature, in the name of the Republic of Cuba, of the multilateral pact signed at Paris on the 27th of August, ultimo, by virtue of which the nations subscribing it condemn war as a solution of international controversies and renounce it as an instrument of national policy in their mutual relations.

The information furnished to my Government by your Ambassador at Habana, in the sense that at any time after the signature of the pact referred to, the said pact was open to the adhesion of the nations invited to that effect, has moved my Government not to delay its adhesion to an instrument of such great significance for the peace of the

world; my Government has, therefore, authorized me to sign it in the name of the Republic of Cuba.

It is understood, nevertheless, that this pact will not be binding on the Republic of Cuba except after the Cuban Senate has ratified it.

Accordingly, I beg Your Excellency to be good enough to consider Cuba as having adhered to the multilateral Pact of Paris of August 27 of the current year, under the express condition of its ratification by the Senate of the Republic.

Accept, Mr. Secretary, the assurance of my highest and most distinguished consideration.

(Signed) RAFAEL RODRIGUEZ ALTUNAGA.

d. EGYPT (ADHESION *ad referendum*)

The Egyptian Minister of Foreign Affairs to the American Chargé d'Affaires, Bulkeley, September 3, 1928 [1]

MR. CHARGÉ d'AFFAIRES,

I have the honor to acknowledge the receipt of your note of the 27th of August by which you have been so kind as to inform me of the signature at Paris on the same day of the treaty solemnly proclaiming the proscription of war as an instrument of national policy and to transmit to me with the text of treaty the invitation of the Government of the United States to adhere to it.

Confident of being the faithful interpreter of the sentiments of the Egyptian people, the Royal Government takes pleasure to express to you its most hearty approval of the lofty purpose which led the Government of the United States to propose and to conclude, in the form of a multilateral pact, the treaty carrying the renunciation of war as an instrument of national policy. It renders homage to the untiring activity of the Government of the United States and to its high authority as well as to the invaluable cooperation of the other great powers which have succeeded in transforming the beneficent idea that war is beyond the law to an international obligation.

The Egyptian Government is pleased at the offer which has been so cordially extended to it to bring its own assistance to this great and generous enterprise and to assist in this way to assure the universality of the treaty.

It has in addition the sincere desire and the inflexible determination to do this, since peace is for Egypt not only a national temperament, but also a necessity for preservation. The renunciation, by her as well as by the other signing states or adherents to the pact of war as an instrument of national policy would be for Egypt the best guaranty of security and the beginning of development in order and progress.

[1] French text in *L'Europe nouvelle*, March 9, 1929, p. 318.

For the above reasons the Egyptian Government declares that it fully adheres to the pact in the form in which it was signed at Paris, it being understood, however, that this adhesion does not entail recognition of any reservation, whatever, made in connection with this pact.

The Egyptian Government is convinced that the new treaty will set solid foundations for peace and security of the world, that it will bring about a greater solidarity between the peoples and a cooperation fertile in consequences for the progress of humanity, and in short that it will influence international relations profoundly and favorably.

Accept, etc.

(Signed) HAFEZ AFIFI,
The Minister of Foreign Affairs.

e. HUNGARY (ADHESION *ad referendum*)

The Hungarian Minister for Foreign Affairs to the American Minister at Budapest, October 6, 1928

The Government of the United States is aware of the fact that after the world war Hungary was forced to sign a peace treaty which had not been preceded by the negotiations customary on such occasions and which, being the issue of erroneous presuppositions, created an unjust situation.

The situation arisen in consequence of this treaty of peace has not been able to assure the tranquility, and is impeding the development, of the different nations in this part of Europe. The events of the ten years which have elapsed since the end of the war furnish evident proof that this peace treaty can not be a suitable basis for natural and peaceful development.

It follows from the teaching of history that, wherever in the past the relations between nations were not determined by the exigencies of justice and reason, sooner or later forcible clashes occurred. The generous and humanitarian intentions of the policy of the United States which are evidenced by its proposal to renounce war elicit the highest appreciation of the Hungarian Government because that policy presupposes the elimination of such clashes and of the horrors of war from the lives of nations. However, it is natural that this endeavor can not lead to satisfactory results unless, war being eliminated, the nations could have at their disposition some different yet efficacious means for the solution of crises evolved from unjust and unnatural conditions.

The Hungarian Government adheres to the proposal of the Government of the United States under the supposition that the Government of the United States as well as the Governments of the other signatory powers will seek to find the means of rendering it possible that in the future injustices may be remedied by peaceful means.

The Hungarian Government will in due time take the necessary measures to assure that its adherence attain full legal validity in accordance with the rules of the Hungarian constitution.

f. Lithuania (Adhesion *ad referendum*) [1]

The Lithuanian Minister of Foreign Affairs to the American Minister at Bern, September 5, 1928

(Translation)

Mr. Secretary of State:

Your Excellency's proposal dated August 27 last to adhere to the pact for the renunciation of war as an instrument of national policy has been submitted to a thorough examination by the Lithuanian Government.

I am happy to be able to communicate to your excellency that on the 28th of August the Government of the Republic instructed me to notify the Government of the United States of its complete approval and adherence to the said pact. The Lithuanian Government does this with the more readiness in that Lithuania from the moment of the rebirth of its independent existence in 1918 instituted a policy of peace.

Thus the Lithuanian Government succeeded in inserting in the treaty of peace concluded with Russia at Moscow on July 12, 1920, a clause (Article 5) recognizing the permanent neutrality of Lithuania.[2] Russia declared itself ready to participate in international guarantees of this neutrality if the other great powers likewise recognized and guaranteed it.

The same policy of peace has been followed toward Poland in spite of the Polish efforts to prevent Lithuania from becoming an independent state. The treaty of Suvalki, October 7, 1920, contains a provision for the determination of the frontiers between the two states and for the solution exclusively by peaceful methods of all problems existing between Lithuania and Poland.[3]

Unfortunately on October 9, 1920, Poland violated this treaty by occupying the Lithuanian capital Vilna. In spite of repeated requests of the Lithuanian Government for the fulfilment of the convention, the Polish Government has refused to do so and has rejected the Lithuanian proposal to submit the matter to the Permanent Court of International Justice at The Hague.

At the present moment a third of the territory ceded by Russia to Lithuania by the treaty of peace is held by the Poles.

Nevertheless the Lithuanian Government has maintained its faith

[1] French text in *Journal de Genève*, September 9, 1928.

[2] *League of Nations Treaty Series*, III, p. 106 at p. 127.

[3] Compare Art. 2 (C) of the treaty in *League of Nations Treaty Series*, VIII, p. 174 at p. 183.

in a peaceful solution of the question of Vilna and in reparation for the damages caused Lithuania by Poland. Its faith is strengthened by the signature of the Kellogg pact between different states of the globe. There is ground for hope that shortly this pact will become the guiding principle of the entire world.

Finally the Lithuanian Government is profoundly convinced that the signature of the pact for the renunciation of war is only the first step toward the organization of world peace.

Accept [etc.]

(s) PROF. A. VOLDEMARAS.

g. PERSIA (ADHESION *ad referendum*)

The Persian Minister of Foreign Affairs to the American Chargé d'Affaires, Teheran, October 3, 1928 [1]

I have the honor to acknowledge receipt of the note which His Excellency Mr. Hoffman Phillip was good enough to forward to me on August 27, 1928, together with the text of the multilateral treaty against war proposed by His Excellency Mr. Kellogg.

My Government, considering that the multilateral treaty signed at Paris is in harmony with its consistently peaceful policy and with the obligations imposed by the Covenant of the League of Nations on its Members; being convinced, moreover, that the text of this treaty does not affect its right to legitimate self-defense; considering, further, that the reservations made by certain powers can in no case and at no time lay Persia under any obligation to recognize any possible claims of a nature to infringe her territorial or maritime rights and possessions, gives its cordial accession to the international pact for the outlawry of war.

(Signed) F. PAKREVAN,
Acting Minister for Foreign Affairs.

h. RUMANIA

The Chargé d'Affaires of the Rumanian Legation at Washington to the Acting Secretary of State, Washington, D. C., September 4, 1928

YOUR EXCELLENCY:

I am instructed by the Royal Rumanian Government to notify you of its adhesion to the following treaty:

The Pact to Outlaw War as an instrument of national policy, signed in Paris on August 27th by the representatives of Germany, Australia, Belgium, Canada, Czechoslovakia, France, Great Britain, India, Ire-

[1] League of Nations, *Official Journal*, IX, p. 1947.

land, Italy, Japan, New Zealand, Poland, South Africa and the United States of America.

I beg Your Excellency to receive the renewed assurance of my highest consideration.

(Signed) MICHEL R. STURDZA,
The Chargé d'Affaires of Rumania.

Excerpt from Subsequent Note [1]

It is shown with absolute clearness by the negotiations preliminary to the signature of the treaty as well as by the changes which have been made in the preamble with respect to its original text and the explanations contained in the note under date of June 23, 1928, of the Government of the United States addressed to the Governments invited to sign the treaty, that this treaty in no respect modifies the provisions of the Covenant of the League of Nations. Consequently, the rights and obligations derived from the new treaty constitute neither an extension nor a reduction of the rights and obligations derived from the Covenant of the League of Nations, which remain as they are. It also appears that the new treaty does not conflict with the neutrality treaties nor, in general, with the engagements contained in existing treaties which the Royal Government has contracted up to the present. It also follows from the note of the Government of the United States of June 23 and the above-mentioned acts and negotiations that any violation of the multilateral treaty by one of the contracting parties *ipso facto* releases the other powers signatory to the treaty from their obligations toward the power which has violated the engagements of the same treaty. It follows, moreover, that the right of defense is in no way affected or restricted by the engagements of the new treaty and that each power is entirely free to defend itself at will and according to its necessity against an attack or a foreign invasion.

i. THE SOVIET UNION (ADHESION *ad referendum*) [2]

MOSCOW, *August 31, 1928.*

His Excellency, The French Ambassador,
The French Embassy, Moscow.

YOUR EXCELLENCY,

You were kind enough to inform me on August 27, 1928, by order of your Government, that on that day the Governments of the German Republic, the United States, Belgium, France, Great Britain and its

[1] *Congressional Record*, Vol. 70, Daily Edition, p. 1144.

[2] The English translation here given has been independently made from the French text as officially presented to the Quai d'Orsay. This English version has been compared and homologated with a translation cabled by the Associated Press and translations published in London, and one in the *Soviet Union Review* (Vol. VI, p. 151), which was based upon the Russian text published in *Izvestia*.

Dominions, Italy, Japan, Poland and Czechoslovakia, had signed at Paris the multilateral pact, by which they bind themselves not to have recourse, in their mutual relations, to war as an instrument of national policy, but to settle the differences which may arise between them exclusively by pacific means.

Having handed me a copy of the pact, and having briefly related its history, you were also kind enough, Mr. Ambassador, to inform me:

(*a*) That the limitation of the number of the original signatories of the pact was solely prompted, according to the Government of the United States, by purely practical considerations and for the purpose of facilitating the effective application of the covenant in the shortest possible time, but it had always been the intention that in its final form it was to guarantee the immediate cooperation of all the nations of the world on the same conditions and with the same advantages as those accorded to the original signatories;

(*b*) That, in accordance with the above, the Government of the United States has been authorized to accept declarations from all countries desirous of joining in the covenant;

(*c*) That representatives of the Government of the United States in all foreign countries, with the exception of those countries whose representatives had already signed the covenant, had been instructed to communicate to the Governments to which they are accredited the text of the covenant signed in Paris;

(*d*) That the Government of the United States declared its readiness to receive even now the instruments of adhesion to the covenant of those Governments;

(*e*) That the Government of the French Republic accepted the duty through you, Mr. Ambassador, of bringing the text of the above-mentioned covenant to the attention of the Government of the Union of Socialist Soviet Republics and of inquiring of it whether it was disposed to accede thereto; and

(*f*) That, in case of an affirmative answer, you are authorized to receive the instrument of adhesion to the covenant for transmission to Washington.

In communicating to you, in the present note, the reply of the Government of the Soviet Union to your inquiry, I have the honor to ask you to communicate the following to your Government with the request that it will be good enough to transmit the same to the Government of the United States:

1. Having laid down from the very beginning of its existence as a basis of its foreign policy the preservation and safeguarding of the general peace, the Soviet Government has always and everywhere acted as a constant advocate of peace and has always met half way every step in this direction. The Soviet Government has considered, and still considers, that the carrying out of the program of general and complete disarmament is the only real means of preventing armed con-

flicts, because in the feverish atmosphere of general armament, every rivalry between states inevitably leads to war, which is the more destructive the more perfect the system of armament. A detailed project of complete disarmament was submitted by the delegation of the Soviet Union to the Preparatory Commission of the League of Nations,[1] but unfortunately it did not find support in the majority of that commission, including as it did representatives of those very powers which are the original signatories of the pact of Paris. The project was rejected, notwithstanding that its acceptance and realization would have meant a real guaranty of peace;

2. Not wishing to neglect any opportunity of contributing to the reduction of the burden of armament, weighing heavily upon the masses of the people, the Soviet Government, after the rejection of its proposals for complete disarmament, not only did not decline to discuss a partial reduction of armament but, through its delegation to the Preparatory Commission, itself came forward with a detailed project of partial but substantial disarmament.[2] However, the Soviet Government must regretfully state that this project likewise did not meet with the support of the Preparatory Commission, which demonstrated once more the complete powerlessness of the League of Nations in the matter of disarmament — the strongest guaranty of peace and the most powerful means of abolishing wars. This occurred as a result of the open opposition to the Soviet proposals of almost all the states which were the first to sign the pact for the prohibition of war;

3. Together with its systematic defense of the cause of disarmament and long before the idea of the newly signed Paris pact was thought of, the Soviet Government, in carrying out its peace policy, also addressed to the other Governments the proposition of renouncing through bilateral treaties not only the wars dealt with in the Paris pact, but of all mutual aggression and of all armed conflict whatsoever. Certain states, such as Germany, Turkey, Afghanistan, Persia and Lithuania, accepted this proposition and concluded corresponding pacts with the Soviet Government;[3] other Governments passed this proposal over in silence and avoided making a reply to it; still others declined it, making the strange explanation that unconditional renunciation of aggression would be incompatible with their obligations toward the League of Nations. This, however, did not prevent the same powers from signing the Paris pact, the text of which does not mention the inviolability of such obligations;

4. These facts irrefutably prove that the idea of the elimination of wars and armed conflicts in international relations is the basic and leading idea of Soviet foreign policy. Nevertheless, the initiators of the Paris pact did not deem it fitting to invite the Soviet Government

[1] League of Nations. *Preparatory Commission for the Disarmament Conference. Minutes of Fifth Session*, C. 165. M. 50. 1928. IX. 6, p. 324.

[2] *Ibid.*, p. 347.

[3] See p. 62 [282].

to participate in the negotiations leading up to the pact or in the drafting of its text. Similarly no invitation was extended to powers which are actually interested in the maintenance of peace either as having been the objects of past aggressions (such as Turkey and Afghanistan), or as being so at present (the republic of the great Chinese nation). Moreover, the invitation to adhere to the pact transmitted by the French Government does not contain the conditions which might enable the Soviet Government to exert any influence upon the text of the Paris document itself. However, the Soviet Government proceeds from the axiomatic premise that it can not, under all conditions, be deprived of the right from which other Governments have or could have benefited.

The Soviet Government considers itself bound first to make several remarks as to its attitude toward the pact;

5. First of all the Soviet Government can not refrain from expressing its deepest regret that the Paris pact contains no obligation whatsoever concerning disarmament. The Soviet delegation to the Preparatory Commission for the Disarmament Conference has already had the opportunity of declaring that only by combining a pact forbidding war with the carrying out of total and general disarmament can the maintenance of universal peace be effectively guaranteed, and that on the contrary, an international treaty forbidding war but unaccompanied even by such an elementary guaranty as the limitation of incessantly growing armament would remain a dead letter, without any real meaning. This is confirmed by the recent public statements of some of the signatories of the Paris pact concerning the inevitable continuance of arming, even after the conclusion of the pact. The new international political groups which have sprung up at the same time, especially in connection with the question of naval armament, still further confirm this view. The present situation now points more than ever to the necessity of taking decisive measures in the matter of disarmament;

6. With regard to the text of the pact, the Soviet Government deems it necessary to point out that there is a lack of precision and clarity in Art. 1 dealing with the formula prohibiting war; this formula allows various and arbitrary interpretations. For its part, the Soviet Government believes that every international war must be prohibited whether as an instrument of what is called "national policy," or as a method serving other purposes (for instance the suppression of national movements of liberation, etc.). In the opinion of the Soviet Government, there must be a ban on war, not only in the strict juridical meaning of the word (that is, presupposing a declaration of war, etc.), but also on such military actions as, for example, intervention, blockade, military occupation of foreign territories, of foreign ports, etc.

The history of recent years has provided instances of military activities which have inflicted terrible hardships on the peoples. The Soviet Republics were themselves the object of such attacks, and at the pres-

ent time the great Chinese people are the victims of similar aggressions. Further, such military actions often develop into big wars which it is then completely impossible to stop, and yet the pact does not say a word about these questions, which are most important from the point of view of peace. Again, the same first article of the pact mentions the necessity of settling all disputes and all international conflicts exclusively by peaceful means. In this connection, the Soviet Government considers that in the number of nonpacific means forbidden by the pact should also be included such means as the refusal to reestablish normal pacific relations between nations or the rupture of these relations, for such acts, by eliminating the pacific means which might settle differences, embitter relations and contribute to the creation of an atmosphere favorable to the outbreak of war;

7. Among the limitations made in writing in the diplomatic correspondence between the original signatories of the pact, the reservation of the British Government in par. 10 of its note of May 19[1] of this year attracts the special attention of the Soviet Government. In this the British Government reserves a complete freedom of action in regard to several regions which it does not specifically enumerate.

If regions forming part of the British Empire or its Dominions are referred to, they are included in the pact, and the case of aggression against them is foreseen by it, so that the reservation of the British Government with respect to them would seem, to say the least, superfluous. If other regions are meant, the signatories of the pact have the right to know exactly where the freedom of action of the British Government begins and ends. But the British Government reserves its freedom of action not only in the case of armed aggression on those regions, but also in the case of any unfriendly act or "interference" which would justify the opening of hostilities on the part of the British Government.

The recognition of such a right as is claimed by the British Government would mean the justification of war and might serve as a contagious example to the other signatories of the pact who, considering their equality in law, would regard themselves as having the same freedom with respect to other regions; and it would result that there would probably be no corner of the terrestrial globe where the pact could be applied. Indeed, the British limitation contains an invitation addressed to any other signatory of the pact to exempt other regions as well from its jurisdiction. The Soviet Government can not help considering this reservation as an attempt to use the pact itself as an instrument of imperialistic policy. However, the note of the British Government has not been communicated to the Soviet Government as a document forming an integral part of the pact or as an annex to it; and therefore it does not regard it as obligatory for the Soviet Government any more than are the other limitations concerning the pact

[1] See p. 126 [346].

mentioned in the diplomatic correspondence of the original signatories obligatory upon it.

The Soviet Government can not consent to any of the other limitations made in the correspondence designed to exempt from the application of the pact obligations ensuing from the Covenant of the League of Nations and the Locarno agreements;

8. In summarizing the above, it remains to point out the absence in the pact of obligations concerning disarmament which remains the only essential element safeguarding peace, the insufficiency and the vagueness of the very wording of the prohibition of war, and the existence of several limitations whose object is to eliminate in advance even any semblance of obligation with regard to the cause of peace. Nevertheless, inasmuch as the Paris pact imposes on the powers certain obligations before public opinion and gives the Soviet Government another opportunity to bring once again before all of those participating in the pact the most important question for the cause of peace, that of disarmament, the solution of which remains the only guaranty capable of eliminating war, the Soviet Government expresses its readiness to adhere to the Paris pact.

In pursuance of the foregoing, I shall have the honor, Mr. Ambassador, to transmit within a short time the instrument of adhesion [1] of my Government, as soon as the formalities in connection therewith are concluded.

Accept, etc.

(Signed) M. Litvinov.

j. Switzerland

The Political Department of Switzerland to the American Minister at Bern, August 30, 1928

Mr. Minister:

We have had the honor to receive the note No. 87, dated August 27, by which Your Excellency kindly transmitted to us the text of the treaty condemning war as an instrument of national policy, signed the same day at Paris, and invited the Federal Council to examine the possibility for Switzerland to accede to this agreement.

We have likewise received a copy of the document published by the Government of the United States containing the text of the notes exchanged in the negotiations.

In expressing our thanks for these important communications we hasten to inform you that the Federal Council took note of them with the greatest interest and that it rejoices at the fortunate conclusion of an agreement which constitutes so eloquent a manifestation in favor of the maintenance of peace in the world.

[1] For text, *infra*, p. 174 [394].

A collective treaty such as the Kellogg pact, which condemns recourse to war for the settlement of international disputes and proscribes it as an instrument of national policy, a treaty which, moreover, imposes it as a duty upon the contracting states to search by pacific means the solution of all differences of whatsoever nature, was certain to receive the most favorable welcome from the Government and people of Switzerland.

The renunciation of war as an instrument of national policy is in full harmony with the traditional policy of Switzerland and is effectively consecrated by her permanent neutrality which is indeed for Switzerland axiomatic. The idea that all disputes must be regulated by pacific means likewise fully accords with the conception which Switzerland seeks to realize by her policy in the world of international arbitration.

The Federal Council is accordingly convinced that the careful study to which it is submitting the question will undoubtedly lead it to recommend to the Federal Chambers that it be authorized to accede to the new treaty.

In requesting you to bring the foregoing to the attention of your Government we avail ourselves, et cetera.

(Signed) MOTTA.

III. RATIFICATIONS AND ADHESIONS

1. Declaration of Adhesion of the Union of Socialist Soviet Republics,[1] September 6, 1928

The undersigned, Commissary of the People for Foreign Affairs of the Union of the Socialist Soviet Republics, declares that the Union of the Socialist Soviet Republics adheres to the treaty condemning recourse to war that was signed in Paris on August 27, 1928, and is worded as follows:

[Here follows the French text of the Paris treaty, leaving out the names of the Plenipotentiaries appointed by the powers that are signatory to the treaty.]

In faith whereof, the Acting Commissar of the People for Foreign Affairs of the Union of the Socialist Soviet Republics, duly authorized to that effect, signed this declaration of adhesion.

Done at Moscow, September 6, 1928.

(Signed) MAXIME LITVINOFF.

2. Ratification of the United States, January 17, 1929

CALVIN COOLIDGE, *President of the United States.*

To all to whom these presents shall come, greetings:

Know ye, that whereas a treaty between the President of the German Reich, the President of the United States of America, His Majesty the King of the Belgians, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Poland, and the President of the Czechoslovak Republic, declaring in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another, was signed by their respective plenipotentiaries at Paris on the twenty-seventh day of August, one thousand, nine hundred and twenty-eight, the original of which treaty, in the French and English languages, is hereto annexed:[2]

[1] Sent by the French Ambassador at Moscow to the French Foreign Office, and by it transmitted to the Department of State through the French Embassy at Washington.

[2] Not printed herewith; see p. 155 [375].

And whereas the Senate of the United States, by their resolution of January 15, 1929 (two-thirds of the Senators present concurring therein), did advise and consent to the ratification of the said treaty;

Now, therefore, be it known that I, Calvin Coolidge, President of the United States of America, having seen and considered the said treaty, do hereby, in pursuance of the aforesaid advice and consent of the Senate, ratify and confirm the same and every article and clause thereof.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

Done at the city of Washington, this seventeenth day of January, in the year of our Lord one thousand, nine hundred and twenty-nine, and of the independence of the United States of America the one hundred and fifty-third.

CALVIN COOLIDGE.

[Seal]

By the President:

FRANK B. KELLOGG,
Secretary of State.

3. Procès Verbal of the Deposit of Ratifications of the Treaty for the Renunciation of War signed at Paris on August 27, 1928

In conformity with Art. III of the Treaty for the Renunciation of War, concluded at Paris on August 27, 1928, the undersigned this day met at the Department of State at Washington to proceed with the deposit with the Government of the United States of America of the instruments of ratification of the said treaty by the Governments they represent.

The instruments of ratification produced, having been found upon examination to be in due form, are intrusted to the Government of the United States of America to be deposited in the archives of the Department of State of that Government.

In witness whereof, the present procès verbal, of which a certified copy will be furnished by the Government of the United States of America to each of the signatory parties to the treaty, is signed.

Done at Washington, March 2, 1929.

For Germany:

FRIEDRICH W. VON PRITTWITZ UND GAFFRON.

For the United States of America:

FRANK B. KELLOGG.

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

ESME HOWARD.

For the Dominion of Canada:	Vincent Massey.
For the Commonwealth of Australia:	Esme Howard.
For the Dominion of New Zealand:	Esme Howard.
For the Union of South Africa:	Esme Howard.
For the Irish Free State:	Wm. J. B. Macaulay.
For India:	Esme Howard.
For Italy:	G. de Martino.
For Czechoslovakia:	Veverka.

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IV. PROTOCOL SIGNED AT MOSCOW FEBRUARY 9, 1929, ON BEHALF OF THE GOVERNMENTS OF ESTONIA, LATVIA, POLAND, RUMANIA AND THE UNION OF SOCIALIST SOVIET REPUBLICS [1]

In force March 30, 1929; adhesion of Persia, April 3; of Lithuania, April 5; of Turkey, July 3; registered by Poland at Geneva, May 14, 1929.

The Government of the Estonian Republic, the President of the Republic of Latvia, the President of the Republic of Poland, His Majesty, the King of Rumania, and the Central Executive Committee of the Union of Socialist Soviet Republics,

Animated by the desire of contributing to the maintenance of the peace existing between their countries [2] and with this object of bringing into force without delay between the peoples of these countries the treaty for the renunciation of war as an instrument of national policy signed at Paris August 27, 1928, have decided to realize these intentions by means of the present protocol, and name as their plenipotentiaries the following:

[Here follows list of plenipotentiaries.]

Who, after having communicated their full powers, found in good and due form, have agreed upon the following:

ART. 1. The treaty for the renunciation of war as an instrument of national policy signed at Paris August 27, 1928, a copy of which is attached to the present protocol as an integral part thereof, enters into force between the contracting parties after the ratification of the said treaty of Paris of 1928 by the competent legislative organs of the respective contracting states.

ART. 2. The putting into force by the present protocol of the treaty of Paris of 1928 in the mutual relations of the parties to the present protocol shall be valid independently of the entrance into force of the treaty of Paris of 1928, as provided for in Art. 3 of the latter.

ART. 3. 1. The present protocol shall be ratified by the competent legislative organs of the contracting parties in conformity with the requirements of their respective constitutions.

[1] Translation based on the French text printed in *L'Europe Nouvelle*, March 9, 1929, p. 325.

[2] This phrase was added at the request of Rumania in order to define the attitude of the signatory powers on the question of Bessarabia.

2. The instruments of ratification shall be deposited by each of the contracting parties with the Government of the Union of Socialist Soviet Republics within a period of one week from the date of the ratification of the present protocol by the respective party.

3. From the day when two of the contracting parties shall have deposited their instruments of ratification, the present protocol shall enter into force between those two parties. In the mutual relations of the other contracting parties and of the states for which the protocol has already entered into force, it shall enter into force when their instruments of ratification are deposited.

4. The Government of the Union of Socialist Soviet Republics will immediately notify each deposit to all the signatories of the present protocol.

ART. 4. In order to give effect to the first article of the present protocol, each contracting party, after ratification by its legislative organs of the treaty of Paris of 1928, shall immediately notify through diplomatic channels the Government of the Union of Socialist Soviet Republics and all other parties to the present protocol.

ART. 5. The present protocol is open to adhesion by the Governments of all countries. Notification of definitive adhesion shall be made in the name of the Government of the Union of Socialist Soviet Republics, which shall notify all other parties to the present protocol thereof. On receipt of the said notification of adhesion, the present protocol shall enter into force in the mutual relations of the adherent state and of all other parties to the present protocol.

ART. 6. The entrance into force by means of the present protocol of the treaty of Paris of 1928 in the mutual relations of the adherent state and of all other parties to the present protocol shall be effected in the manner provided in Art. 4 of the present protocol.

ART. 7. The present protocol is drawn up in a single copy, of which an authentic transcript shall be communicated by the Government of the Union of Socialist Soviet Republics to each of the signatory or adhering states.

In faith whereof the above-named plenipotentiaries have signed the present protocol and have affixed their seals hereto.

Done at Moscow February 9, 1929.

(Signed) JUL. SELJAMAA.
K. OZOLS.
ST. PATEK.
DAVILA.
MAXIM LITVINOV.

ANNEX I

[The Treaty for Renunciation of War, see text at p. 155 [375].

APPENDIX III

I. THE PACIFIC SETTLEMENT SYSTEM

1. The United States

[The negotiators for the renunciation of war from the outset have agreed in condemning recourse to war and providing that the solution of all disputes or conflicts "shall never be sought except by pacific means." Establishment of a system of pacific settlement is left to the parties to perfect. The United States Government is depending upon bilateral treaties to attain this end. These consist of (1) an arbitration treaty covering differences involving "a claim of right" with specified exceptions, and (2) a conciliation treaty referring all disputes not adjudicated "by a competent tribunal" to a commission for investigation and report. The following texts are the forms which the United States has adopted:]

a. Treaty of Arbitration [1]

The President of the United States of America and the President of the German Reich

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective plenipotentiaries

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States, and

The President of the German Reich, Herr Friedrich von Prittwitz und Gaffron, German Ambassador to the United States of America:

[1] Reprinted from United States *Treaty Series*, No. 774.

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ART. I. All differences relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Germany in accordance with its constitutional laws.

ART. II. The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(*a*) is within the domestic jurisdiction of either of the high contracting parties,

(*b*) involves the interests of third parties,

(*c*) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine,

(*d*) depends upon or involves the observance of the obligations of Germany in accordance with the Covenant of the League of Nations.

ART. III. The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by the President of the German Reich in accordance with German constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fifth day of May in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG. (Seal.)
F. VON PRITTWITZ. (Seal.)

b. Treaty of Conciliation [1]

The President of the United States of America and the President of the German Reich, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the German Reich, Herr Friedrich von Prittwitz und Gaffron, German Ambassador to the United States of America:

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

Art. I. Any disputes arising between the Government of the United States of America and the Government of Germany, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the high contracting parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding article; the high contracting parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Art. II. The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Art. III. In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The high contracting parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

[1] Reprinted from United States *Treaty Series*, No. 775.

The report of the commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the high contracting parties shall shorten or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the commission for its files.

The high contracting parties reserve the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

ART. IV. The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the German Reich in accordance with German constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate in the English and German languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the fifth day of May in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG. [Seal.]
F. VON PRITTWITZ. [Seal.]

2. The General Act adopted by the League of Nations Assembly, September 26, 1928[1]

CHAPTER I. — CONCILIATION

ART. 1. Disputes of every kind between two or more parties to the present General Act which it has not been possible to settle by diplomacy shall, subject to such reservations as may be made under Art. 39, be submitted, under the conditions laid down in the present chapter, to the procedure of conciliation.

ART. 2. The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties to the dispute.

ART. 3. On a request to that effect being made by one of the contracting parties to another party, a permanent Conciliation Commission shall be constituted within a period of six months.

ART. 4. Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows:

[1] League of Nations, *Resolutions and Recommendations adopted by the Assembly . . . 1928*, p. 20 (*Official Journal*, Spec. Sup. No. 63).

1. The commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of third powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties. The parties shall appoint the president of the commission from among them.

2. The commissioners shall be appointed for three years. They shall be reeligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ART. 5. If, when a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

ART. 6. 1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Arts. 3 and 5, the making of the necessary appointments shall be intrusted to a third power, chosen by agreement between the parties, or on request of the parties, to the acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different power, and the appointment shall be made in concert by the powers thus chosen.

3. If, within a period of three months, the two powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

ART. 7. 1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the president by the two parties acting in agreement, or in default thereof by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall, without delay, be notified by it.

ART. 8. 1. Within 15 days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall, in such case, be entitled to take similar action within 15 days from the date on which it received the notification.

ART. 9. 1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations, or at some other place selected by its president.

2. The commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

ART. 10. The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the commission with the consent of the parties.

ART. 11. 1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to inquiries, the commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague convention of October 18, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents, whose duty shall be to act as intermediaries between them and the commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

ART. 12. In the absence of agreement to the contrary between the parties, the decisions of the Conciliation Commission shall be taken by a majority vote, and the commission may only take decisions on the substance of the dispute if all its members are present.

ART. 13. The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

ART. 14. 1. During the proceedings of the commission, each of the commissioners shall receive emoluments the amount of which shall be

fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the commission shall be divided in the same manner.

ART. 15. 1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of inquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the commission's decisions were taken unanimously or by a majority vote.

3. The proceedings of the commission must, unless the parties otherwise agree, be terminated within six months from the date on which the commission shall have been given cognizance of the dispute.

ART. 16. The commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

CHAPTER II. — JUDICIAL SETTLEMENT

ART. 17. All disputes with regard to which the parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Art. 39, be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Art. 36 of the Statute of the Permanent Court of International Justice.

ART. 18. If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected, and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague convention of October 18, 1907, for the Pacific Settlement of International Disputes, shall apply so far as is necessary. If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Art. 38 of the Statute of the Permanent Court of International Justice.

ART. 19. If the parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators,

either party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

ART. 20. 1. Notwithstanding the provisions of Art. 1, disputes of the kind referred to in Art. 17 arising between parties who have acceded to the obligations contained in the present chapter shall only be subject to the procedure of conciliation if the parties so agree.

2. The obligation to resort to the procedure of conciliation remains applicable to disputes which are excluded from judicial settlement only by the operation of reservations under the provisions of Art. 39.

3. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Art. 18 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

CHAPTER III. — ARBITRATION

ART. 21. Any dispute not of the kind referred to in Art. 17 which does not, within the month following the termination of the work of the Conciliation Commission provided for in Chap. I, form the object of an agreement between the parties, shall, subject to such reservations as may be made under Art. 39, be brought before an arbitral tribunal which, unless the parties otherwise agree, shall be constituted in the manner set out below.

ART. 22. The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The two other arbitrators and the chairman shall be chosen by common agreement from among the nationals of third powers. They must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties.

ART. 23. 1. If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the parties requested the other party to constitute an arbitral tribunal, a third power, chosen by agreement between the parties, shall be requested to make the necessary appointments.

2. If no agreement is reached on this point, each party shall designate a different power, and the appointments shall be made in concert by the powers thus chosen.

3. If, within a period of three months, the two powers so chosen have been unable to reach an agreement, the necessary appointments shall be made by the president of the Permanent Court of International Justice. If the latter is prevented from acting or is a subject of one of the parties, the nomination shall be made by the vice-president. If the latter is prevented from acting or is a subject of one of the parties, the

appointments shall be made by the oldest member of the Court who is not a subject of either party.

Art. 24. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Art. 25. The parties shall draw up a special agreement determining the subject of the disputes and the details of procedure.

Art. 26. In the absence of sufficient particulars in the special agreement regarding the matters referred to in the preceding article, the provisions of the Hague convention of October 18, 1907, for the pacific settlement of international disputes shall apply so far as is necessary.

Art. 27. Failing the conclusion of a special agreement within a period of three months from the date on which the tribunal was constituted, the dispute may be brought before the tribunal by an application by one or other party.

Art. 28. If nothing is laid down in the special agreement or no special agreement has been made, the tribunal shall apply the rules in regard to the substance of the dispute enumerated in Art. 38 of the Statute of the Permanent Court of International Justice. In so far as there exists no such rule applicable to the dispute, the tribunal shall decide *ex æquo et bono*.

Chapter IV. — General Provisions

Art. 29. 1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. The present General Act shall not affect any agreements in force by which conciliation procedure is established between the parties or they are bound by obligations to resort to arbitration or judicial settlement which insure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present General Act concerning judicial settlement or arbitration shall be applied in so far as the parties have acceded thereto.

Art. 30. If a party brings before a Conciliation Commission a dispute which the other party, relying on conventions in force between the parties, has submitted to the Permanent Court of International Justice or an arbitral tribunal, the commission shall defer consideration of the dispute until the Court or the arbitral tribunal has pronounced upon the conflict of competence. The same rule shall apply if the Court or the tribunal is seized of the case by one of the parties during the conciliation proceedings.

Art. 31. 1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may

object to the matter in dispute being submitted for settlement by the different methods laid down in the present General Act until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the party which desires to resort to the procedures laid down in the present General Act must notify the other party of its intention within a period of one year from the date of the aforementioned decision.

ART. 32. If, in a judicial sentence or arbitral award, it is declared that a judgment, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction.

ART. 33. 1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Art. 41 of its Statute, or the arbitral tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ART. 34. Should a dispute arise between more than two parties to the present General Act, the following rules shall be observed for the application of the forms of procedure described in the foregoing provisions:

(*a*) In the case of conciliation procedure, a special commission shall invariably be constituted. The composition of such commission shall differ according as the parties all have separate interests or as two or more of their number act together.

In the former case, the parties shall each appoint one commissioner and shall jointly appoint commissioners nationals of third powers not parties to the dispute, whose number shall always exceed by one the number of commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third commissioners.

In either event, the parties, unless they agree otherwise, shall apply Art. 5 and the following articles of the present Act, so far as they are compatible with the provisions of the present article.

(*b*) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(*c*) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, in the case of the disputes mentioned in Art. 17 each party shall have the right, by means of an application, to submit the dispute to the Permanent Court of International Justice; in the case of the disputes mentioned in Art. 21, the above Art. 22 and following articles shall apply, but each party having separate interests shall appoint one arbitrator and the number of arbitrators separately appointed by the parties to the dispute shall always be one less than that of the other arbitrators.

ART. 35. 1. The present General Act shall be applicable as between the parties thereto, even though a third power, whether a party to the Act or not, has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third power to intervene.

ART. 36. 1. In judicial or arbitral procedure, if a third power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the arbitral tribunal a request to intervene as a third party.

2. It will be for the Court or the tribunal to decide upon this request.

ART. 37. 1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the arbitral tribunal shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but, if it uses this right, the construction given by the decision will be binding upon it.

ART. 38. Accessions to the present General Act may extend:

A. Either to all the provisions of the Act (Chaps. I, II, III and IV);

B. Or to those provisions only which relate to conciliation and judicial settlement (Chaps. I and II), together with the general provisions dealing with these procedures (Chap. IV);

C. Or to those provisions only which relate to conciliation (Chap. I), together with the general provisions concerning that procedure (Chap. IV).

The contracting parties may benefit by the accessions of other parties only in so far as they have themselves assumed the same obligations.

ART. 39. 1. In addition to the power given in the preceding article, a party, in acceding to the present General Act, may make his accept-

ance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.

2. These reservations may be such as to exclude from the procedure described in the present Act:

(*a*) Disputes arising out of facts prior to the accession either of the party making the reservation or of any other party with whom the said party may have a dispute;

(*b*) Disputes concerning questions which by international law are solely within the domestic jurisdiction of states;

(*c*) Disputes concerning particular cases or clearly specified subject-matters, such as territorial status, or disputes falling within clearly defined categories.

3. If one of the parties to a dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.

4. In the case of parties who have acceded to the provisions of the present General Act relating to judicial settlement or to arbitration, such reservations as they may have made shall, unless otherwise expressly stated, be deemed not to apply to the procedure of conciliation.

ART. 40. A party whose accession has been only partial, or was made subject to reservations, may at any moment, by means of a simple declaration, either extend the scope of his accession or abandon all or part of his reservations.

ART. 41. Disputes relating to the interpretation or application of the present General Act, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

ART. 42. The present General Act, of which the French and English texts shall both be authentic, shall bear the date of the 26th of September 1928.

ART. 43. 1. The present General Act shall be open to accession by all the heads of states or other competent authorities of the Members of the League of Nations and the non-Member states to which the Council of the League of Nations has communicated a copy for this purpose.

2. The instruments of accession and the additional declarations provided for by Art. 40 shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member states referred to in the preceding paragraph.

3. The Secretary-General of the League of Nations shall draw up three lists, denominated respectively by the letters A, B and C, corresponding to the three forms of accession to the present Act provided for in Art. 38, in which shall be shown the accessions and additional declarations of the contracting parties. These lists, which shall be

continually kept up to date, shall be published in the annual report presented to the Assembly of the League of Nations by the Secretary-General.

ART. 44. 1. The present General Act shall come into force on the 90th day following the receipt by the Secretary-General of the League of Nations of the accession of not less than two contracting parties.

2. Accessions received after the entry into force of the Act, in accordance with the previous paragraph, shall become effective as from the 90th day following the date of receipt by the Secretary-General of the League of Nations. The same rule shall apply to the additional declarations provided for by Art. 40.

ART. 45. 1. The present General Act shall be concluded for a period of five years, dating from its entry into force.

2. It shall remain in force for further successive periods of five years in the case of contracting parties which do not denounce it at least six months before the expiration of the current period.

3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-Member states referred to in Art. 43.

4. A denunciation may be partial only, or may consist in notification of reservations not previously made.

5. Notwithstanding denunciation by one of the contracting parties concerned in a dispute, all proceedings pending at the expiration of the current period of the General Act shall be duly completed.

ART. 46. A copy of the present General Act, signed by the President of the Assembly and by the Secretary-General of the League of Nations, shall be deposited in the archives of the Secretariat; a certified true copy shall be delivered by the Secretary-General to all the Members of the League of Nations and to the non-Member states indicated by the Council of the League of Nations.

ART. 47. The present General Act shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

Convention A. Bilateral Convention for the Pacific Settlement of All International Disputes

CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL

ART. 1. Disputes of every kind which may arise between the high contracting parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present convention, to settlement by judicial means or arbitration, preceded, according to circumstances, as a compulsory or optional measure, by recourse to the procedure of conciliation.

Arts. 2–3 are Arts. 29 and 31 of the General Act.

Chapter II. — Judicial Settlement

Art. 4. All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Art. 36 of the Permanent Court of International Justice.

Arts. 5–6 are Arts. 18–19 of the General Act.

Art. 7. 1. In the case of the disputes mentioned in Art. 4, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Convention.

2. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Art. 5 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

Chapter III. — Conciliation

Art. 8. All disputes between the parties other than the disputes mentioned in Art. 4 shall be submitted obligatorily to a procedure of conciliation before they can form the subject of a settlement by arbitration.

Arts. 9–23 are Arts. 2–16 of the General Act.

Chapter IV. — Settlement by Arbitration

Art. 24. If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission mentioned in the previous articles, the question shall be brought before an Arbitral Tribunal which, unless the parties agree otherwise, shall be constituted in the manner indicated below.

Arts. 25–31 are Arts. 22–28 of the General Act, except Art. 29, which is not quite identical with Art. 26 of the latter.

Chapter V. — General Provisions

Arts. 32–35 correspond with Arts. 33, 32, 35–37 and 41 of the General Act.

Arts. 36–37 relate to formalities.

Convention B — Bilateral Convention for Judicial Settlement, Arbitration and Conciliation

CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL

ART. 1. Disputes of every kind which may arise between the high contracting parties and which it has not been possible to settle by diplomacy shall be submitted to a procedure of judicial settlement, arbitration or conciliation under the conditions laid down in the present Convention.

Arts. 2–3 are Arts. 29 and 31 of the General Act.

CHAPTER II. — JUDICIAL SETTLEMENT

Arts. 4–7 are identic with the same articles of Convention A.

CHAPTER III. — CONCILIATION

ART. 8. All disputes between the parties other than the disputes mentioned in Art. 4 shall be submitted obligatorily to a procedure of conciliation.

Arts. 9–23 are Arts. 2–16 of the General Act.

ART. 24. If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the dispute remains subject to be dealt with in accordance with Art. 15 of the Covenant of the League of Nations. This provision shall not apply in the case provided for in Art. 7.

CHAPTER IV. — GENERAL PROVISIONS

Arts. 25–30 are Arts. 32–37 of Convention A.

Convention C — Bilateral Conciliation Convention

ART. 1. Disputes of every kind which may arise between the high contracting parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present convention, to settlement by recourse to the procedure of conciliation.

Art. 2 is Art. 2 of the General Act.

Art. 3 is Art. 29, 1, of the General Act.

Arts. 4–5 are Arts. 30–31 of the General Act.

Arts. 6–19 are Arts. 3–16 of the General Act.

Art. 20 is Art. 33, 2 and 3, adapted, of the General Act.

ART. 21. 1. The present convention shall be applicable as between the high contracting parties, even though a third power has an interest in the dispute.

2. The parties may agree to invite such third power to intervene.

Arts. 22–24 are identic with Arts. 35–37 of Convention A.

ART. 22. Disputes relating to the interpretation or application of the present convention, including those concerning the classification of disputes . . . [1] shall be submitted to the Permanent Court of International Justice.

Treaty D — Collective Treaty of Mutual Assistance

CHAPTER I. — NON-AGGRESSION AND MUTUAL ASSISTANCE

ART. 1. Each of the high contracting parties undertakes, in regard to each of the other parties, not to attack or invade the territory of another contracting party, and in no case to resort to war against another contracting party.

This stipulation shall not, however, apply in the case of:

(1) The exercise of the right of legitimate defense — that is to say, resistance to a violation of the undertaking contained in the first paragraph;

(2) Action in pursuance of Art. 16 of the Covenant of the League of Nations;

(3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Art. 15, par. 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a state which was the first to attack.

ART. 2. Each of the high contracting parties undertakes, in regard to each of the others, to submit to a procedure of pacific settlement, in the manner provided for in the present treaty, all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

ART. 3. Should any one of the high contracting parties consider that a violation of Art. 1 of the present treaty has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

As soon as the Council of the League of Nations has ascertained that such a violation has taken place, it shall at once advise the powers which have signed the present treaty, and each of these powers undertakes in such a case to give assistance forthwith to the power against which the act complained of has been directed.

[1] If the convention contains reservations, it would be convenient to add: "and the scope of reservations," which would be specified in an article immediately preceding.

ART. 4. 1. Should one of the high contracting parties refuse to accept the methods of pacific settlement provided for in the present treaty or to execute an arbitral award or judicial decision and be guilty of a violation of Art. 1 of the present treaty, the provisions of Art. 3 shall apply.

2. Should one of the high contracting parties, without being guilty of a violation of Art. 1 of the present treaty, refuse to accept the methods of pacific settlement or to execute an arbitral award or judicial decision, the other party shall inform the Council of the League of Nations, which shall propose the methods to be adopted; the high contracting parties shall accept these proposals.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES

ART. 5. 1. The following provisions shall apply to the settlement of disputes between the parties, subject to any wider undertakings which may result from other agreements between them.

2. The said provisions do not apply to disputes arising out of facts prior to the present treaty and belonging to the past.

ART. 6.[1] 1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. Nevertheless, if these conventions only provide for a procedure of conciliation, after this procedure has been employed without result, the provisions of the present treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

Section I. — Judicial or Arbitral Settlement

Arts. 7–11 are Arts. 17, 18, 19 and 32 of the General Act and Art. 7 of Convention A.

Section II. — Conciliation

ART. 12. All disputes the settlement of which cannot, under the terms of the present treaty, be attained by means of a judicial or arbitral award, shall be submitted to a procedure of conciliation.

Arts. 13–27 are Arts. 2–16 of the General Act.

ART. 28.[2] If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the dispute remains subject to be dealt with in accordance with Art. 15 of the Covenant of the League of Nations. This present provision shall not apply in the case provided for in Art. 11.

[1] Par. 1 is Art. 29, 1, of the General Act.

[2] Same as Art. 24, Convention B.

CHAPTER III. — GENERAL PROVISIONS

Arts. 29–32 are Arts. 33–37 and 41 of the General Act.

Arts. 33–35 are formal.

Treaty E — Collective Treaty of Non-Aggression

CHAPTER I. — NON-AGGRESSION

Arts. 1–2 are Arts. 1–2 of Treaty D.

ART. 3.[1] Should any one of the high contracting parties consider that a violation of Art. 1 of the present treaty has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES

Arts. 4–5 are Arts. 5–6 of Treaty D.

Sec. I, Arts. 6–10, and Sec. II, Arts. 11–27, are Arts. 7–11 and Arts. 12–28 of Treaty D.

CHAPTER III. — GENERAL PROVISIONS

Arts. 28–34 are Arts. 29–35 of Treaty D.

Treaty F — Bilateral Treaty of Non-Aggression

CHAPTER I. — NON-AGGRESSION

Arts. 1–3 are Arts. 1–2 and 3, par. 1, Treaty D, and identic with Treaty E.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES

Arts. 4–27 are Arts. 5–28 of Treaty D.

CHAPTER III. — GENERAL PROVISIONS

Arts. 28–30 are Arts. 33, 35–37, 41 of the General Act.

Arts. 31–33 are formal.

[1] Par. 1 of Art. 3, Treaty D.

APPENDIX IV

INDEX OF BIPARTITE PACIFIC SETTLEMENT TREATIES

1. 1828-1918

The following list contains only treaties believed to be currently in force, including general engagements in the form of compromisory clauses. Where only summary notice is given, details as to ratification and duration and references to text will be found in Denys P. Myers' "Arbitration Engagements now existing in Treaties, Treaty Provisions and National Constitutions" (World Peace Foundation, Pamphlet Series, V, No. 5, pt. iii).

Provisions calling for the pacific settlement of all disputes are annotated "unlimited." Included in this type are those — the Argentine texts being an example — which apply to all disputes "except when they affect the principles of the constitution of either country." Obviously, no state can bind itself internationally to violate its constitution; so that the exception expressed in such treaties is implied in those not specifically mentioning it.

References are to British and Foreign State Papers; Traités généraux d'arbitrage communiqués au Bureau international de la Cour permanente d'arbitrage; Treaties, Conventions, Protocols and other international Acts between the United States and other Powers, 1910–1923, Vol. III; and League of Nations, *Treaty Series*.

The asterisk (*) indicates that the text of the treaty is printed in *Arbitration and Security. Systematic Survey of the Arbitration Conventions and Treaties of Mutual Security deposited with the League of Nations.* Second edition. (C. 653, M. 216, 1927, V. 29.)

1828

Argentina–Brazil. Signed at Rio de Janeiro, Aug. 27; preliminary convention of peace between the United Provinces of the Rio de la Plata and the Emperor of Brazil, Art. 18 of which is mediatory clause before declaration of war; *Tratados vigentes*, I, 25.

1829

Colombia–Peru. UNLIMITED. Signed at Guayaquil, Sept. 22; treaty of peace, Art. 19 being general arbitral clause; *Nouveau Recueil*, X, 26.

1842

Colombia (New Granada)**–Venezuela.** UNLIMITED. Signed at Carácas, July 23; treaty of friendship, commerce and navigation, Art. 4 of which is general arbitral clause before declaration of war.

1848

Mexico–United States. Signed at Guadalupe Hidalgo, Feb. 2; treaty of peace, friendship, limits and settlement, Art. XXI of which is general arbitral clause.

1856

Colombia (New Granada)**–Ecuador.** UNLIMITED. Signed at Bogotá, July 9; treaty of friendship, commerce and navigation, Art. 2 of which is general arbitral clause.

1863

Bolivia–Peru. UNLIMITED. Signed at Lima, Nov. 5; treaty of peace and amity, Art. 26 of which provides for general arbitration.

1868

Costa Rica–Nicaragua. UNLIMITED. Signed at San José, July 30; treaty of peace and friendship, Art. 2 of which is general clause; in force from June 10, 1869, without time limit; 70 B. and F. S. P., 258.

1870

Colombia–Peru. UNLIMITED. Signed at Lima, Feb. 10; treaty of amity, commerce and navigation, Art. 32 of which is general arbitral clause without reserve.

1873

Bolivia–Peru. UNLIMITED. Signed at Lima, Feb. 6; treaty of defensive alliance, Art. 8 of which renders obligatory the use of means of conciliation before a rupture of relations.

1874

Guatemala–Nicaragua. UNLIMITED. Signed at Guatemala, Feb. 13; treaty of amity and commerce, Art. 2 of which is general arbitral clause without reserve.

Argentina–Peru. UNLIMITED. Signed at Buenos Aires, Mar. 9; treaty of amity, commerce and navigation, Art. 33 of which is general arbitral clause without reserve.

1876

Argentina–Paraguay. Signed at Buenos Aires, Feb. 3; definitive treaty of peace, Art. XXI of which is general semi-arbitral clause.

1880

Colombia–Salvador. UNLIMITED. Signed at Paris, Dec. 24; convention for peace, general arbitration and an international American congress, Art. I of which is unlimited; in force from Jan. 7, 1882; 71 B. and F. S. P., 712; Reyes, *Tratados del Salvador* (1896), 17; no provision on expiration.

1882

Spain–Venezuela. UNLIMITED. Signed at Carácas, May 20; treaty of commerce and navigation, Art. 14 of which is general arbitral clause without reserve.

1883

Paraguay–Uruguay. UNLIMITED. Signed at Asunción, Apr. 20; treaty of peace and recognition of debt, Art. 8 of which provides for arbitration of conflicts capable of compromising amicable relations.

Salvador–Venezuela. UNLIMITED. Signed at Carácas, Aug. 27; treaty of amity, commerce and navigation, Art. 42 of which is general arbitral clause without reserve.

Salvador–Switzerland. UNLIMITED. Signed at Bern, Oct. 20; treaty of amity, establishment and commerce, Art. 13 of which is general arbitral clause without reserve.

Nicaragua–Salvador. UNLIMITED. Signed at San Salvador, Nov. 17; treaty of amity, commerce and extradition, Art. 33 of which is general arbitral clause without reserve.

1884

Belgium–Venezuela. UNLIMITED. Signed at Carácas, Mar. 1; treaty of amity, commerce and navigation, Art. 2 of which is general arbitral clause without reserve.

1887

Belgium–Ecuador. UNLIMITED. Signed at Brussels, Mar. 5; treaty of amity, commerce and navigation, Art. 2 of which is general arbitral clause without reserve.

1888

Ecuador–Spain. UNLIMITED. Signed at Madrid, May 23; additional treaty of peace and amity, Art. 1 of which is general arbitral clause applicable to treaty and nontreaty disputes.

Ecuador–Switzerland. UNLIMITED. Signed at Paris, June 22; treaty of amity, establishment and commerce, Art. 4 of which is general arbitral clause without reserve.

1890

Ecuador–Salvador. UNLIMITED. Signed at Washington, Mar. 29; treaty of amity, commerce and navigation, Arts. 1 and 2 of which are general arbitral clauses without reserve.

Guatemala–Salvador. UNLIMITED. Signed at Guatemala, Nov. 15; treaty of peace and amity, Arts. 5–8 of which are general arbitral provisions without reserve.

1893

Mexico–Salvador. UNLIMITED. Signed at Mexico City, Apr. 24; treaty of amity, commerce and navigation, Art. 1 of which is general arbitral clause for all questions.

1894

Colombia–Spain. UNLIMITED. Signed at Bogotá, Apr. 28; treaty additional to treaty of peace and amity of Jan. 30, 1881, Art. 1 of which is general arbitral clause without definite reserve.

Honduras–Spain. UNLIMITED. Signed at Guatemala, Nov. 17; treaty of peace and amity, Art. 2 of which is general arbitral clause applicable to treaty and nontreaty disputes.

1895

Guatemala–Honduras. UMLIMITED. Signed at Guatemala, Mar. 10; treaty of union, and arbitration, commerce and navigation, Arts. 2–4 of which are general arbitral clauses specifying arbitral questions and then without reserve; in force from Jan. 20, 1896, without limit; 87 B. and F. S. P., 673.

Costa Rica–Guatemala. UNLIMITED. Signed at Guatemala, May 15; general treaty, Art. 1 of which is general arbitral clause without reserve.

Costa Rica–Salvador. UNLIMITED. Signed at San Salvador, June 12; general treaty, Art. 1 of which is general arbitral clause without reserve.

Costa Rica–Honduras. UNLIMITED. Signed at San José, Sept. 28; general treaty, Art. 2 of which is general arbitral clause without reserve.

1897

Peru–Spain. UNLIMITED. Signed at Lima, July 16; treaty additional to treaty of peace of Aug. 14, 1879, Art. 1 being general arbitral clause without definite reserve; 89 B. and F. S. P., 598.

1899

Brazil–Chile. UNLIMITED. Signed at Rio de Janeiro, May 18; 99 B. and F. S. P., 880.

Argentina–Uruguay. UNLIMITED. Signed at Buenos Aires, June 8; in force from Jan. 18, 1902, by 10-year periods; 94 B. and F. S. P., 525.

Argentina–Paraguay. UNLIMITED. Signed at Asunción, Nov. 6; in force from June 5, 1902, by 10-year periods; 92 B. and F. S. P., 485.

1901

Bolivia–Peru. UNLIMITED. Signed at La Paz, Nov. 21; in force from Dec. 29, 1903, by 10-year periods.

1902

Mexico–Spain. Signed at Mexico City, Jan. 11; effective 10 years from Apr. 13, 1902, denunciable on 1 year's notice; T. G. A., I, 7.

Salvador–Spain. UNLIMITED. Signed at Mexico City, Jan. 28.

Dominican Republic–Spain. UNLIMITED. Signed at Mexico City, Jan. 28.

Argentina–Bolivia. UNLIMITED. Signed at Buenos Aires, Feb. 3.

Colombia–Spain. UNLIMITED. Signed at Mexico City, Feb. 17.

Bolivia–Spain. UNLIMITED. Signed at Mexico City, Feb. 17.

Guatemala–Spain. Signed at Mexico City, Feb. 28.

Mexico–Persia. UNLIMITED. Signed at Washington, May 14; treaty of commerce and navigation, Art. 5 of which is general arbitral provision; in force from Mar. 12, 1903, until 1 year after denunciation.

Argentina–Chile. UNLIMITED. Signed at Santiago, May 28.

1903

Cuba–Italy. Signed at Habana, Dec. 29; treaty of peace, commerce, navigation, emigration and arbitration, Art. XXVII of which is general arbitral clause; in force from Dec. 2, 1904, for 10 years, with tacit renewal; 96 B. and F. S. P., 370.

1904

Denmark–Netherlands. UNLIMITED. Signed at Copenhagen, Feb. 12; in force from Mar. 8, 1906, until denunciation; 98 B. and F. S. P., 454; T. G. A., I, 43.

Great Britain–Norway. Signed at London, Aug. 11; in force until Nov. 9, 1929; Reg. No. 940.

* **Great Britain–Sweden.** Signed at London, Aug. 11; effective till Nov. 9, 1929; Reg. No. 886.

Netherlands–Portugal. Signed at The Hague, Oct. 1; in force from Oct. 29, 1908, indefinitely; 101 B. and F. S. P., 500.

Nicaragua–Spain. UNLIMITED. Signed at Guatemala City, Oct. 4.

Belgium–Russia.[1] Signed at St. Petersburg, Oct. (17) 30.

* **Great Britain–Portugal.** Signed at Windsor Castle, Nov. 16; in force until Nov. 12, 1931; Reg. No. 978.

[1] Status not determined.

Belgium–Norway. Signed at Brussels, Nov. 30; in force from Sept. 11, 1905, for 10 years, then denunciable on 1 year's notice; T. G. A., I, 114.

Norway–Russia.[1] Signed at St. Petersburg, (Nov. 26) Dec. 9.

Russia–Sweden.[1] Signed at St. Petersburg, (Nov. 26) Dec. 9.

Sweden–Switzerland. Signed at Berlin, Dec. 17; in force from July 13, 1905, for 10 years, denunciable on 1 year's notice; 98 B. and F. S. P., 791.

Norway–Switzerland. Signed at Berlin, Dec. 17; in force from July 13, 1905, for 10 years, denunciable on 1 year's notice; 98 B. and F. S. P., 791.

1905

Norway–Spain. Signed at Madrid, Jan. 23.

* **Great Britain–Netherlands.** Signed at London, Feb. 15; in force till July 12, 1930; Reg. No. 977.

Italy–Peru. Signed at Lima, Apr. 18; in force from Nov. 11, 1905, by 10-year periods; 101 B. and F. S. P., 374.

Belgium–Greece. Signed at Athens, (Apr. 19) May 2.

Italy–Portugal. Signed at Lisbon, May 11.

Honduras–Spain. Signed at Madrid, May 13; in force 12 years, denunciable on 1 year's notice; 107 B. and F. S. P., 921.

Belgium–Rumania. Signed at Bukharest, May (14) 27.

Colombia–Ecuador. UNLIMITED. Signed at Quito, Aug. 10; general treaty of friendship, commerce and navigation, arbitration (Art. III); 99 B. and F. S. P., 1012.

Portugal–Switzerland. Signed at Bern, Aug. 18.

Argentina–Brazil. UNLIMITED. Signed at Rio de Janeiro, Sept. 7; in force from Nov. 9, 1908, by 10-year periods; 100 B. and F. S. P., 605.

Colombia–Peru. Signed at Bogotá, Sept. 12.

* **Denmark–Great Britain.** Signed at London, Oct. 25; in force until May 4, 1931; Reg. No. 1432.

Denmark–Italy. UNLIMITED. Signed at Rome, Dec. 16; in force from May 22, 1906, until denunciation; 99 B. and F. S. P., 1035.

1906

Belgium–Nicaragua. Signed at Guatemala City, Mar. 6; in force from July 20, 1909, for 10 years, denunciable on 1 year's notice; 99 B. and F. S. P., 869.

1907

Denmark–Portugal. UNLIMITED. Signed at Copenhagen, Mar. 20.

Argentina–Italy. UNLIMITED. Signed at The Hague, Sept. 18.

Italy–Mexico. Signed at The Hague, Oct. 16; in force from Mar. 7, 1908, by 10-year periods.

1908

Honduras–Mexico. Signed at Mexico City, Mar. 24.

Peru–United States. Signed at Washington, Dec. 5.

Norway–Portugal. Signed at Lisbon, Dec. 8.

1909

Ecuador–United States. Signed at Washington, Jan. 7.

Haiti–United States. Signed at Washington, Jan. 7.

United States–Uruguay. Signed at Washington, Jan. 9.

Brazil–Portugal. Signed at Petropolis, Mar. 25; effective by 5-year periods from May 29, 1911; 107 B. and F. S. P., 608.

Brazil–France. Signed at Petropolis, Apr. 7.

[1] Status not determined.

Brazil–Spain. Signed at Petropolis, Apr. 8; in force from June 29, 1911; Reg. No. 1987; T. S.

Brazil–Mexico. Signed at Petropolis, Apr. 11.

Brazil–Honduras. Signed at Guatemala City, Apr. 26; in force by 5-year periods from Apr. 24, 1914; 105 B. and F. S. P., 937.

Brazil–Venezuela. Signed at Carácas, Apr. 30.

Brazil–Panama. Signed at Washington, May 1.

Brazil–Ecuador. Signed at Washington, May 13.

Brazil–Costa Rica. Signed at Washington, May 18.

Brazil–Cuba. Signed at Washington, June 10.

Brazil–Great Britain. Signed at Petropolis, June 18.

Bolivia–Brazil. Signed at Petropolis, June 25; in force by 10-year periods from May 10, 1912; 104 B. and F. S. P., 824.

Brazil–Norway. Signed at Kristiania, July 13.

Nicaragua–Portugal. Signed at Lisbon, July 17.

Brazil–China. Signed at Peking, Aug. 3.

Brazil–Salvador. Signed at Salvador, Sept. 3.

Italy–Netherlands. UNLIMITED. Signed at Rome, Nov. 20.

Brazil–Peru. Signed at Rio de Janeiro, Dec. 7; in force by 10-year periods from Jan. 13, 1912; 111 B. and F. S. P., 669.

Brazil–Sweden. Signed at Stockholm, Dec. 14; in force from May 24, 1916, for 10-year periods; 114 B. and F. S. P., 660.

Greece–Spain. Signed at Athens, Dec. (3) 16; in force from Mar. 24, 1910, for 5 years, denunciable on 1 year's notice; 102 B. and F. S. P., 966.

1910

Costa Rica–Italy. Signed at Rome, Jan. 8; in force from Nov. 3, 1910, by 10-year periods; 105 B. and F. S. P., 589.

Brazil–Haiti. Signed at Washington, Apr. 25; 104 B. and F. S. P., 831.

Brazil–Dominican Republic. Signed at Washington, Apr. 29; 108 B. and F. S. P., 429.

Russia–Spain. Signed at St. Petersburg, Aug. (2) 15.

Brazil–Russia. Signed at Rio de Janeiro, Aug. (13) 26.

Italy–Russia. Signed at St. Petersburg, Oct. (14) 27.

Belgium–Italy. Signed at Brussels, Nov. 18; in force from Aug. 14, 1911, for 10 years, then denunciable on 1 year's notice.

Italy–Norway. Signed at Rome, Dec. 4; in force from Dec. 22, 1910, denunciable on 1 year's notice.

1911

Brazil–Paraguay. Signed at Asunción, Feb. 24; in force from Sept. 6, 1914, for 10-year periods; 110 B. and F. S. P., 779.

Ecuador–Italy. Signed at Quito, Feb. 25.

Italy–Sweden. Signed at Stockholm, Apr. 13; in force by 10-year periods from signature; 105 B. and F. S. P., 678.

Italy–Paraguay. Signed at Asunción, May 11; in force from Aug. 2, 1914, by 5-year periods; 106 B. and F. S. P., 1088.

Bolivia–Italy. Signed at La Paz, May 17; in force from May 16, 1912, by 10-year periods; 105 B. and F. S. P., 569.

Argentina–Ecuador. Signed at Carácas, July 12; in force from July 22, 1923.

***Argentina–Venezuela.** UNLIMITED. Signed at Carácas, July 22; in force from May 24, 1924, for 5 years, then denunciable from year to year; Reg. No. 715; T. S., XXVIII, p. 288.

Brazil–Italy. Signed at Rio de Janeiro, Sept. 22; in force from July 28, 1913, for 10 years, then year by year; 104 B. and F. S. P., 833.

Brazil–Denmark. UNLIMITED. Signed at Copenhagen, Nov. 27; 105 B. and F. S. P., 587.

1912

Argentina–Colombia. UNLIMITED. Signed at Washington, Jan. 20; in force from Aug. 12, 1921; 113 B. and F. S. P., 876.

Peru–Venezuela. UNLIMITED. Signed at Carácas, Jan. 25; in force from June 9, 1914; 105 B. and F. S. P., 996.

Panama–Spain. Signed at Panama, July 25; in force from May 3, 1913, by 5-year periods.

1913

Guatemala–Italy. Signed at Guatemala, May 31; in force from Apr. 20, 1915, by 10-year periods; 107 B. and F. S. P., 905; T. G. A. III, 4.

Chile–Italy. Signed at Santiago, Aug. 8; in force from Mar. 27, 1914, for 10 years, then year to year; T. G. A., II, 79; 107 B. and F. S. P., 721.

Guatemala–United States. CONCILIATION. Signed at Washington, Sept. 20; in force from Oct. 13, 1914, until denounced; Treaties, Conventions, etc., III, 2666.

Honduras–United States. CONCILIATION. Signed at Washington, Nov. 3; in force from July 27, 1916, until denounced; Treaties, Conventions, etc., III, 2690.

Portugal–Sweden. Signed at Stockholm, Nov. 15; in force from July 8, 1914, for 5 years, then denunciable on 6 months' notice; 108 B. and F. S. P., 537.

Honduras–Italy. UNLIMITED. Signed at Guatemala, Dec. 8; in force from Jan. 20, 1915, by 10-year periods; T. G. A., III, 9; 107 B. and F. S. P., 918.

Netherlands–United States. CONCILIATION. Signed at Washington, Dec. 18; in force from Mar. 10, 1928, until denounced; U. S. Treaty Series No. 760; Reg. No. 1737; T. S., LXXVI.

1914

Bolivia–United States. CONCILIATION. Signed at Washington, Jan. 22; in force from Jan. 8, 1915, until denounced; Treaties, Conventions, etc., III, 2499.

Portugal–United States. CONCILIATION. Signed at Washington, Feb. 4; in force from Oct. 24, 1914, until denounced; Treaties, Conventions, etc., III, 2809.

Costa Rica–United States. CONCILIATION. Signed at Washington, Feb. 13; in force from Nov. 12, 1914, until denounced; Treaties, Conventions, etc., III, 2545.

United States–Venezuela. CONCILIATION. Signed at Washington, Mar. 21; in force from Feb. 12, 1921, until denounced; Treaties, Conventions, etc., III, 2865.

Denmark–United States. CONCILIATION. Signed at Washington, Apr. 17; in force from Jan. 19, 1915, until denounced; Treaties, Conventions, etc., III, 2556.

Italy–United States. CONCILIATION. Signed at Washington, May 5; in force from Mar. 19, 1915, until denounced; Treaties, Conventions, etc., III, 2701.

Panama–Portugal. Signed at Panama, June 30; ratified by Panama, Nov. 21, 1914; in force from

Norway–United States. CONCILIATION. Signed at Washington, June 24; in force from Oct. 21, 1924, until denounced; Treaties, Conventions, etc., III, 2745.

Argentina–France. ARBITRATION. Signed at Buenos Aires, July 3; in force from Oct. 4, 1916, for 5-year periods, tacit renewal; 108 B. and F. S. P., 386; T. G. A., III, 20.

Peru–United States. CONCILIATION. Signed at Washington, July 14; in force from Mar. 4, 1915, until denounced; Treaties, Conventions, etc., III, 2795.

United States–Uruguay. CONCILIATION. Signed at Washington, July 20; in force from Feb. 24, 1915, until denounced; Treaties, Conventions, etc., III, 2860.

Brazil–United States. CONCILIATION. Signed at Washington, July 24; in force from Oct. 28, 1916, until denounced; Treaties, Conventions, etc., III, 2505.

Chile–United States. CONCILIATION. Signed at Washington, July 24; in force from Jan. 19, 1916, until denounced; Treaties, Conventions, etc., III, 2509.

Paraguay–United States. CONCILIATION. Signed at Washington, Aug. 29; in force from Mar. 9, 1915, until denounced; Treaties, Conventions, etc., III, 2788.

China–United States. CONCILIATION. Signed at Washington, Sept. 15; in force from Oct. 22, 1915, until denounced; Treaties, Conventions, etc., III, 2514.

France–United States. CONCILIATION. Signed at Washington, Sept. 15; in force from Jan. 22, 1915, until denounced; Treaties, Conventions, etc., III, 2587.

Great Britain–United States. CONCILIATION. Signed at Washington, Sept. 15; in force from Nov. 10, 1914, until denounced; Treaties, Conventions, etc., III, 2642.

Spain–United States. CONCILIATION. Signed at Washington, Sept. 15; in force from Dec. 21, 1914, until denounced; Treaties, Conventions, etc., III, 2841.

Italy–Uruguay. Signed at Montevideo, Sept. 19; in force from Dec. 16, 1918.

Russia–United States. CONCILIATION. Signed at Washington, Oct. 1; in force from Mar. 22, 1915, until denounced; Treaties, Conventions, etc., III, 2815.

Ecuador–United States. CONCILIATION. Signed at Washington, Oct. 13; in force from Jan. 22, 1916, until denounced; Treaties, Conventions, etc., III, 2575.

Sweden–United States. CONCILIATION. Signed at Washington, Oct. 13; in force from Jan. 11, 1915, until denounced; Treaties, Conventions, etc., III, 2854.

1915

Chile–Uruguay. CONCILIATION. Signed at Montevideo, Feb. 27; in force from Dec. 31, 1915, by 5-year periods; 109 B. and F. S. P., 885.

China–Netherlands. UNLIMITED. Signed at The Hague, June 1; in force from Apr. 20, 1916, by 10-year periods; T. G. A., III, 25; 110 B. and F. S. P., 808.

Paraguay–Spain. Signed at Asunción, June 3; approved by Paraguayan Chamber of Deputies.

1916

Argentina–Spain. ARBITRATION. Signed at Buenos Aires, July 9; in force from Jan. 18, 1917, by 10-year periods; 110 B. and F. S. P., 773.

Brazil–Uruguay. UNLIMITED. Signed at Rio de Janeiro, Dec. 27; in force from June 10, 1918, by 5-year periods; 111 B. and F. S. P., 672.

1917

Bolivia–Uruguay. UNLIMITED. Signed at Montevideo, Apr. 27; approved by Uruguay, June 19, 1918; 5-year periods.

***Peru–Uruguay.** UNLIMITED. Signed at Lima, July 18; in force from Feb. 15, 1922, by 5-year periods; Reg. No. 384; T. S., XIV, 359.

1918

Great Britain–Uruguay. UNLIMITED. Signed at Montevideo, Apr. 18; in force from Feb. 11, 1919, for 5 years, then terminable on 12 months' notice; 112 B. and F. S. P., 779; T. G. A., III, 29.

France–Uruguay. UNLIMITED. Signed at Montevideo, Apr. 18; in force from Oct. 22, 1918, by 5-year periods; T. G. A., III, 26; 111 B. and F. S. P., 742.

Brazil–Peru. UNLIMITED. Signed at Rio de Janeiro, July 11; in force from July 28, 1927.

Colombia–Uruguay. Signed at Montevideo, Aug. 25; in force from

Bolivia–Peru. Signed at Lima, Sept. 30; in force from

Paraguay–Uruguay. UNLIMITED. Signed at Montevideo, Oct. 31; ratified by Paraguay, July 31, 1919, and by Uruguay, June 17, 1921.

Bolivia–Colombia. Signed at Bogotá, Nov. 13; in force from Feb. 21, 1923, by 10-year periods.

2. 1919-

Postwar Pacific Settlement Treaties

Since the close of the World War the development of bipartite pacific settlement treaties has produced several types analyzed in some detail in *Arbitration and the United States*, p. 555*ff* and ante, p. 21–31. In the subjoined list an attempt has been made to indicate roughly the type of each treaty. Some of the old style arbitration treaties containing exceptions have been made. Those identified by the word "conciliation" are to be understood as creating a jurisdiction for the pacific settlement of all disputes not otherwise settled, and the contracting parties may, therefore, be regarded as completely providing for reference of all their disputes to a peaceful method. Treaties characterized by the words "conciliation and arbitration" combine in a single document both methods so as to cover all disputes. The words "judicial settlement" indicate that a definite jurisdiction has been assigned to the Permanent Court of International Justice by the treaty. The combination "conciliation, arbitration, judicial settlement" provides for all disputes and the treaty specifies the jurisdiction for each method.

References are, so far as possible, to the League of Nations, *Treaty Series*, the registration number being given in addition to the volume and page reference.

1919

[**Chile–Great Britain.**[1] Conciliation. Signed at Santiago, Mar. 28; in force from Oct. 23, 1919; 112 B. and F. S. P., 717.]

***Brazil–Great Britain.** Conciliation. Signed at Rio de Janeiro, Apr. 4; in force from Mar. 11, for 5 years, then terminable on 12 months' notice; 112 B. and F. S. P., 715; Reg. No. 116; T. S., V, p. 46.

Bolivia–Venezuela. Arbitration unlimited. Signed at Carácas, Apr. 12; in force from Apr. 14, 1923; Reg. No.

1920

***Chile–Sweden.** Conciliation. Signed at Stockholm, Mar. 26; in force from May 3, 1921, by 5-year periods; Reg. No. 111; T. S., IV, 272.

1921

Ecuador–Venezuela. Signed at Quito, May 24; in force from Mar. 17, 1923, without time limit; 118 B. and F. S. P., 196.

Afghanistan–Persia. Arbitration unlimited. Signed at Teheran, June 22; Art. X is general unlimited arbitral clause; in force from 25 Moharam 1342 (Sept. 8, 1923); Reg. No. 853; T. S., XXXIII, 299.

Argentina–Bolivia.[2] Signed at , Aug. 23.

[1] Abrogated April 4, 1922, because the object of the convention was sufficiently assured by the League of Nations, of which both states had become members (London *Gazette*, May 20, 1922, p. 4142).

[2] *Cf.* Bulletin de l'Institut intermédiaire int., VI, 147.

***Germany–Switzerland.** CONCILIATION AND ARBITRATION. Signed at Bern, Dec. 3; in force from May 25, 1922; Reg. No. 320; T. S., XII, 271; modified by protocol signed at Bern, Aug. 29, 1928.

1922

***Spain–Uruguay.** UNLIMITED. Signed at Madrid, Mar. 23; in force from Jan. 24, 1927, for 10 years, then denunciable on 1 year's notice; 116 B. and F. S. P., 994; Reg. No. 1493; T. S., LXIII, 233.

1923

Costa Rica–Guatemala–Honduras–Nicaragua–Salvador. Signed at Washington, Feb. 7; convention establishing International Central American Tribunal; in force from ; Int. Con., No. 189, p. 644.

Costa Rica–Guatemala–Honduras–Nicaragua–Salvador–United States. CONCILIATION. Signed at Washington, Feb. 7; convention for establishment of international commissions of inquiry; in force from June 13, 1925, for Costa Rica, Guatemala, Honduras, Nicaragua and United States; U. S. Treaty Series, No. 717; Int. Con., No. 189, p. 678.

***Sweden–Uruguay.** PACIFIC SETTLEMENT. Signed at Montevideo, Feb. 24; in force by 5-year periods from Feb. 24, 1927; Reg. No. 1494; T. S., LXIII, 239.

***Uruguay–Venezuela.** UNLIMITED. Signed at Montevideo, Feb. 28; in force from June 15, 1925, for 10 years, then denunciable on 1 year's notice; Reg. No. 942; T. S., XXXVI, 451.

Peru–Venezuela. ARBITRATION. Signed at Lima, Mar. 14; in force from Aug. 9, 1924; Reg. No.

***Austria–Hungary.** ARBITRATION UNLIMITED. Signed at Budapest, Apr. 10; in force from July 29, 1923, until denunciation on 1 year's notice; Reg. No. 457; T. S., XVIII, p. 99.

***Argentina–Brazil–Chile–Colombia–Costa Rica–Cuba–Dominican Republic–Ecuador–Guatemala–Haiti–(Honduras)–Mexico–(Nicaragua)–Panama–Paraguay–Peru–Salvador–United States–Uruguay–Venezuela.** CONCILIATION. Signed at Santiago, Chile, May 3; in force for ratifying states; U. S. Treaty Series No. 752; Reg. No. 831; T. S., XXXIII, 25.

***Estonia–Latvia.** ARBITRATION, JUDICIAL SETTLEMENT. Signed at Tallinn, Nov. 1; treaty of defensive alliance, Art. 6 of which is general arbitral or judicial settlement clause; in force from Feb. 21, 1924, for 10 years, then denunciable on 1 year's notice; Reg. No. 578; T. S., XXIII, 85.

1924

***Czechoslovakia–France.** ARBITRATION AND JUDICIAL SETTLEMENT. Signed at Paris, Jan. 25; treaty of alliance and friendship, Art. 6 of which is general arbitral and judicial settlement clause; in force from Mar. 4, 1924, without time stipulation; Reg. No. 588; T. S., XXIII, 167.

***Sweden–Switzerland.** CONCILIATION. Signed at Stockholm, June 2; in force from Feb. 14, 1925, for 10 years, then 5-year periods; Reg. No. 844; T. S., XXXIII, 199.

***Denmark–Switzerland.** CONCILIATION. Signed at Copenhagen, June 6; in force from May 18, 1925, for 10 years, then 5-year periods; Reg. No. 873; T. S., XXXIV, 175.

***Hungary–Switzerland.** CONCILIATION AND ARBITRATION. Signed at Budapest, June 18; in force from May 13, 1925, for 10 years, then 5-year periods; Reg. No. 887; T. S., XXXIV, 387.

***Brazil–Switzerland.** JUDICIAL SETTLEMENT. Signed at Rio de Janeiro, June 23; in force from Apr. 7, 1925, for 10-year periods; Reg. No. 861; T. S., XXXIII, 415.

***Sweden–United States.** ARBITRATION. Signed at Washington, June 24; in force from Mar. 18, 1925, for 5 years, then denunciable on 6 months' notice (cf. Oct. 27, 1928, entry); Reg. No. 851; T. S., XXXIII, 273.

***Denmark–Finland.** CONCILIATION. Signed at Stockholm, June 27; in force from Mar. 7, 1925, by 5-year periods; Reg. No. 839; T. S., XXXIII, 131.

***Denmark–Norway.** CONCILIATION. Signed at Stockholm, June 27; in force from Mar. 14, 1925, by 5-year periods; Reg. No. 842; T. S., XXXIII, 173.

***Denmark–Sweden.** CONCILIATION. Signed at Stockholm, June 27; in force from Mar. 7, 1925, by 5-year periods; Reg. No. 840; T. S., XXXIII, 149.

***Finland–Norway.** CONCILIATION. Signed at Stockholm, June 27; in force from Aug. 4, 1924, by 5-year periods; Reg. No. 751; T. S., XXIX, 403.

***Finland–Sweden.** CONCILIATION. Signed at Stockholm, June 27; in force from Sept. 13, 1924, by 5-year periods; Reg. No. 731; T. S., XXIX, 19.

***Norway–Sweden.** CONCILIATION. Signed at Stockholm, June 27; in force from Aug. 30, 1924, by 5-year periods; Reg. No. 717; T. S., XXVIII, 309.

***Germany–Sweden.** CONCILIATION AND ARBITRATION. Signed at Berlin, Aug. 29; in force from Dec. 21, 1925, for 10 years; Reg. No. 1036; T. S., XLII, 111.

***Italy–Switzerland.** CONCILIATION AND JUDICIAL SETTLEMENT. Signed at Rome, Sept. 20; in force from Jan. 29, 1925, for 10 years; Reg. No. 834; T. S., XXXIII, 91.

***Austria–Switzerland.** CONCILIATION. Signed at Vienna, Oct. 11; in force from May 1, 1925, for 10 years; Reg. No. 862; T. S., XXXIII, 423.

Salvador–Uruguay. ARBITRATION. Signed at Madrid, Nov. 7; ratified by Salvador May 28, 1925; Uruguayan approval, Sept. 13, 1926.

Argentina–Switzerland. ARBITRATION. Signed at Buenos Aires, Nov. 17.

***Japan–Switzerland.** JUDICIAL SETTLEMENT. Signed at Tokyo, Dec. 26; in force from Nov. 19, 1925, for 5 years, then denunciable on 1 year's notice; Reg. No. 1072; T. S., XLIII, 393.

1925

***Estonia–Finland–Latvia–Poland.** CONCILIATION AND ARBITRATION. Signed at Helsingfors, Jan. 17; in force from Oct. 14, 1925, for 3-year periods; Reg. No. 991; T. S., XXXVIII, 357.

France–Siam. ARBITRATION, JUDICIAL SETTLEMENT, UNLIMITED. Signed at Paris, Feb. 14; treaty of friendship, commerce and navigation, Art. 2 of which is general clause; in force from

Jan. 12, 1926, for 10 years, then year to year; Reg. No. 1055; T. S., XLIII, 193.

***Poland–Switzerland.** CONCILIATION AND ARBITRATION. Signed at Bern, Mar. 7; in force from July 11, 1926, by 3-year periods; Reg. No. 1209; T. S., L, 261.

***Finland–Germany.** CONCILIATION AND ARBITRATION. Signed at Berlin, Mar. 14; in force from Feb. 28, 1926, for 10 years; Reg. No. 1070; T. S., XLIII, 347.

Latvia–Sweden. CONCILIATION. Signed at Riga, Mar. 28; in force from Sept. 24, 1925, by 5-year periods; Reg. No. 952; T. S., XXXVII, 131.

France–Switzerland. CONCILIATION AND JUDICIAL SETTLEMENT. Signed at Paris, Apr. 6; in force from for 10 years; Reg. No.

***Czechoslovakia–Poland.** CONCILIATION AND ARBITRATION. Signed at Warsaw, Apr. 23; in force from May 14, 1926, by 5-year periods; Reg. No. 1171; T. S., XLVIII, 383.

***Estonia–Sweden.** CONCILIATION. Signed at Reval, May 29; in force from Feb. 25, 1926, by 5-year periods; Reg. No. 1123; T. S., XLVI, 289.

***Lithuania–Sweden.** CONCILIATION. Signed at Kovno, June 11; in force from Oct. 29, 1926, by 5-year periods; Reg. No. 1364; T. S., LVII, 191.

Latvia–Lithuania. CONCILIATION AND ARBITRATION. Signed at Kaunas, July 1, 1925; protocol for convention on various subjects.

Norway–Siam. ARBITRATION, JUDICIAL SETTLEMENT, UNLIMITED. Signed at Oslo, July 16; treaty of friendship, commerce and navigation, Art. II of which is general clause; in force from Feb. 9, 1927, for 10 years, then year to year; Reg. No. 1404; T. S., LX, 35.

Siam–Spain. ARBITRATION, JUDICIAL SETTLEMENT, UNLIMITED. Signed at Madrid, Aug. 3; treaty of friendship, commerce and navigation, Art. II of which is general clause; in force from July 28, 1926, until denunciation; Reg. No. 1303; T. S., LV, 39.

***Estonia–Germany.** CONCILIATION AND ARBITRATION. Signed at Berlin, Aug. 10; in force from July 1, 1927, for 10 years, then 2-year periods; Reg. No. 1484; T. S., LXIII, 111.

Portugal–Siam. ARBITRATION, JUDICIAL SETTLEMENT, UNLIMITED. Signed at Lisbon, Aug. 14; treaty of friendship, commerce and navigation, Art. II of which is general clause; in force from Aug. 31, 1926, for 10 years, then year to year; Reg. No. 1304; T. S., LV, 57.

***Norway–Switzerland.** CONCILIATION. Signed at Oslo, Aug. 21; in force from July 8, 1926, for 10 years, then 5-year periods; Reg. No. 1224; T. S., LI, 89.

Denmark–Siam.[1] ARBITRATION, JUDICIAL SETTLEMENT. Signed at Copenhagen, Sept. 1; treaty of friendship, commerce and navigation, Art. 23 of which is general clause; in force from Mar. 28, 1926, for 10 years, then year to year; Reg. No. 1131; T. S., XLVII, 103.

Greece–Switzerland. CONCILIATION, JUDICIAL SETTLEMENT. Signed at Geneva, Sept. 2; in force from Feb. 28, 1929; Reg. No. 1969; T. S.

[1] The article is compromisory rather than general, but the treaty is the only conventional agreement between the parties.

***Locarno** (Belgium–France–Germany–Great Britain [1]–Italy [1]). CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Initialed at Locarno, Oct. 16; signed at London, Dec. 1; treaty of mutual guaranty, Art. 3 [1] of which contains general clauses; in force from Sept. 14, 1926, indefinitely; Reg. No. 1292; T. S., LIV, 289.

***Belgium–Germany.** CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Initialed at Locarno, Oct. 16; signed at London, Dec. 1; in force from Sept. 14, 1926, indefinitely; Reg. No. 1293; T. S., LIV, 303.

***Czechoslovakia–Germany.** CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Initialed at Locarno, Oct. 16; signed at London, Dec. 1; in force from Sept. 14, 1926, indefinitely; Reg. No. 1296; T. S., LIV, 341.

***France–Germany.** CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Initialed at Locarno, Oct. 16; signed at London, Dec. 1; in force from Sept. 14, 1926, indefinitely; Reg. No. 1294; T. S., LIV, 315.

***Germany–Poland.** CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Initialed at Locarno, Oct. 16; signed at London, Dec. 1; in force from Sept. 14, 1926, indefinitely; Reg. No. 1295; T. S., LIV, 327.

***Poland–Sweden.** CONCILIATION AND ARBITRATION. Signed at Stockholm, Nov. 3; in force from Apr. 28, 1927, by 3-year periods; Reg. No. 1466; T. S., LXII, 263.

***Great Britain–Siam.** JUDICIAL SETTLEMENT. Signed at London, Nov. 25; in force from Feb. 2, 1927, for 5 years and until 12 months' notice; Reg. No. 1487; T. S., LXIII, 161.

***Norway–Sweden.** PACIFIC SETTLEMENT. Signed at Oslo, Nov. 25; in force from Mar. 10, 1927, by 20-year periods; supersedes Oct. 26, 1905 (B. and F. S. P., 98, 820); Reg. No. 1417; T. S., LX, 295.

***Netherlands–Switzerland.** CONCILIATION. Signed at The Hague, Dec. 12; in force from June 11, 1927, for 10-year periods; Reg. No. 1496; T. S., LXIII, 289.

Siam–Sweden. ARBITRATION, JUDICIAL SETTLEMENT, UNLIMITED. Signed at Stockholm, Dec. 19; treaty of friendship, commerce and navigation, Art. XX of which is general clause; in force from Oct. 25, 1926, for 10 years, then year to year; Reg. No. 1386; T. S., LVIII, 429.

1926

***Czechoslovakia–Sweden.** CONCILIATION AND ARBITRATION. Signed at Prague, Jan. 2; in force from Apr. 29, 1926, for 10-year periods; Reg. No. 1159; T. S., XLVIII, 173.

***Denmark–Sweden.** PACIFIC SETTLEMENT. Signed at Stockholm, Jan. 14; in force from July 20, 1926, for 20-year periods, supersedes July 17, 1908 (102 B. and F. S. P., 914); Reg. No. 1235; T. S., LI, 251.

***Denmark–Norway.** PACIFIC SETTLEMENT. Signed at Copenhagen, Jan. 15; in force from Mar. 9, 1927, by 20-year periods; supersedes Oct. 8, 1908 (B. and F. S. P., 101, 963); Reg. No. 1418; T. S., LX, 311.

[1] "Nothing in the article . . . applies to Great Britain or Italy or imposes any obligation upon them" (Foreign Office, C 8900/112/18, 21st Aug., 1926).

***Finland–Sweden.** PACIFIC SETTLEMENT. Signed at Helsingfors, Jan. 29; in force from May 28, 1926, by 20-year periods; Reg. No. 1192; T. S., XLIX, 367.

***Denmark–Finland.** PACIFIC SETTLEMENT. Signed at Helsingfors, Jan. 30; in force from July 26, 1926, by 20-year periods; Reg. No. 1242; T. S., LI, 367.

***Finland–Norway.** PACIFIC SETTLEMENT. Signed at Helsingfors, Feb. 3; in force from Mar. 15, 1927, by 20-year periods; Reg. No. 1420; T. S., LX, 353.

***Rumania–Switzerland.** CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Bern, Feb. 3; in force from Aug. 27, 1926, for 5 years, then year to year; Reg. No. 1306; T. S., LV, 91.

***Liberia–United States.** ARBITRATION. Signed at Monrovia, Feb. 10; in force from Sept. 27, 1926, for 5 years, then denunciable on 6 months' notice; Reg. No. 1336; T. S., LVI, 279.

***Austria–Czechoslovakia.** CONCILIATION AND ARBITRATION. Signed at Vienna, Mar. 5; in force from May 31, 1926, by 10-year periods; Reg. No. 1240; T. S., LI, 349.

***Poland–Rumania.** CONCILIATION, ARBITRATION. Signed at Bukharest, Mar. 26; treaty of guaranty, Art. 6 of which is general clause; in force from Feb. 9, 1927, until Mar. 26, 1931; Reg. No. 1411; T. S., LX, 161.

***Austria–Poland.** CONCILIATION AND ARBITRATION. Signed at Vienna, Apr. 16; in force from May 2, 1927, for 3 years, then from year to year; superseding arbitration treaty of Nov. 13, 1923 (Reg. No. 888, T. S., XXXIV, 401); Reg. No. 1471; T. S., LXII, 329.

***Spain–Switzerland.** CONCILIATION AND JUDICIAL SETTLEMENT. Signed at Madrid, Apr. 20; in force from Jan. 29, 1927, for 10 years, then renewable for 5 years; Reg. No. 1403; T. S., LX, 23.

Persia–Turkey. Signed at Teheran, Apr. 22; treaty of friendship and security, Art. 8: "The contracting parties shall determine upon the method to follow to settle ordinary differences which may arise between them and which can not be regulated through diplomatic channels."

***Denmark–Poland.** CONCILIATION AND ARBITRATION. Signed at Copenhagen, Apr. 23; in force from May 4, 1927, for 3-year periods; Reg. No. 1437; T. S., LXI, 245.

***Germany–Soviet Union.** Notes attached to political treaty signed at Berlin, Apr. 24: "4 . . . . In order to create a basis for disposing without friction of all questions arising between them, the two Governments regard it as desirable that they should immediately embark upon negotiation for the conclusion of a general treaty for the peaceful solution of any conflicts that may arise between them, when special attention shall be given to the possibilities of the procedure of agreement and arbitration;" in force from June 29, 1926, for 5 years; Reg. No. 1268; T. S., LIII, 387; see also Jan. 25, 1929.

***Belgium–Sweden.** CONCILIATION AND ARBITRATION. Signed at Brussels, Apr. 30; in force from Sept. 27, 1927, for 10 years, then 5-year periods; supersedes arbitration treaty of Nov. 30, 1904; Reg. No. 1540; T. S., LXVII, 91.

Italy–Siam. ARBITRATION, JUDICIAL SETTLEMENT, UNLIMITED. Signed at Rome, May 9; treaty of friendship, commerce and navigation, Art. 2 of which is general clause; in force from Mar. 8, 1927, for 10 years, then year to year; Reg. No. 1436; T. S., LXI, 217.

***Germany–Netherlands.** CONCILIATION AND ARBITRATION. Signed at The Hague, May 20; in force from Aug. 14, 1927, for 10 years, and by 5-year periods; Reg. No. 1527; T. S., LXVI, 103.

***Austria–Sweden.** CONCILIATION AND ARBITRATION. Signed at Stockholm, May 28; in force from Mar. 29, 1927, for 10 years, and 5-year periods; Reg. No. 1434; T. S., LXI, 193.

***Denmark–Germany.** CONCILIATION AND ARBITRATION. Signed at Berlin, June 2; in force from May 9, 1927, for 10 years, and 5-year periods; Reg. No. 1444; T. S., LXI, 325.

Great Britain–Iceland. Signed at London, June 4; convention applying convention with Denmark of Oct. 25, 1905, for 5 years, until May 4, 1931; Reg. No. 1433, T. S., LXI, 189; continuing convention of May 1, 1922 (Reg. No. 302; T. S., XII, 15).

France–Rumania. PACIFIC SETTLEMENT. Signed at Paris, June 10; treaty of friendship, Art. 2 of which is general clause implemented by convention of even date; in force from Nov. 8, 1926, for 10 years, renewable; Reg. No. 1373; T. S., LVIII, 225.

***France–Rumania.** PACIFIC SETTLEMENT. Signed at Paris, June 10; in force from Nov. 8, 1926, for 10 years; Reg. No. 1374; T. S., LVIII, 233.

Austria–Serb–Croat–Slovene State. Signed at Sept. 28; in force from ; Reg. No.

Denmark–France. CONCILIATION AND ARBITRATION. Signed at Paris, July 5; to supersede convention of Aug. 9, 1911 (104 B. and F. S. P., 906); in force from Apr. 4, 1928, for 10 years, then 5-year periods; Reg. No. 1684; T. S., LXXI, 455.

***Italy–Spain.** CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Madrid, Aug. 7; in force from Oct. 16, 1926, for 10 years, then 5 years; Reg. No. 1558; T. S., LXVII, 365.

***Italy–Rumania.** CONCILIATION AND ARBITRATION. Signed at Rome, Sept. 16; treaty of friendly and cordial collaboration, Art. IV of which is general arbitral clause; in force by 5-year periods from July 18, 1927; Reg. No. 1560; T. S., LXVII, 393.

***Poland–Serb–Croat–Slovene State.** CONCILIATION AND ARBITRATION. Signed at Geneva, Sept. 18; in force from June 15, 1928, by 5-year periods; Reg. No. 1800; T. S., LXXVIII, 419.

***Lithuania–Soviet Union.** CONCILIATION. Signed at Moscow, Sept. 28; treaty of nonaggression, Art. 5 of which states that in the event of a dispute between them, the contracting parties undertake to appoint conciliation commissions if they should not succeed in settling the conflict by diplomatic means; in force from Nov. 9, 1926, for 5 years, then year to year; Reg. No. 1410; T. S., LX, 154.

***Albania–Italy.** CONCILIATION AND ARBITRATION. Signed at Rome, Nov. 27; pact of friend-

ship and security, Art. 3 of which is conciliation and arbitration clause; in force from Jan. 24, 1927; Reg. No. 1402; T. S., LX, 15.

France–Turkey. CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Angora, May 30; convention of friendship and good neighborly relations, Art. XIV of which is conciliation, arbitration and judicial settlement clause; in force from Aug. 12, 1926, for 5 years, then year to year; Reg. No. 1285; T. S., LIV, 195.

***Czechoslovakia–Denmark.** ARBITRATION. Signed at Prague, Nov. 30; in force from Sept. 23, 1927, for 10 years, then 5-year periods; Reg. No. 1541; T. S., LXVII, 105.

***Denmark–Lithuania.** CONCILIATION AND ARBITRATION. Signed at Kaunas, Dec. 11; in force from Oct. 12, 1927, for 10 years, then 5-year periods; Reg. No. 1555; T. S., LXVII, 333.

***Denmark–Estonia.** CONCILIATION. Signed at Tallinn, Dec. 18; in force from July 7, 1927, for 5-year periods; Reg. No. 1500; T. S., LXIII, 363.

Germany–Italy. CONCILIATION AND ARBITRATION. Signed at Rome, Dec. 29; in force from July 16, 1928, for 10 years, then 5-year periods; Reg. No. 1797; T. S., LXXVIII, 383.

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***Belgium–Switzerland.** CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Brussels, Feb. 5; in force from Nov. 12, 1927, for 10 years, then 5-year periods; supersedes Nov. 15, 1904 (97 B. and F. S. P., 571); Reg. No. 1567; T. S., LXVIII, 45.

***Chile–Italy.** CONCILIATION AND JUDICIAL SETTLEMENT. Signed at Rome, Feb. 24; in force from Dec. 2, 1927, for 10 years, then 5-year periods; Reg. No. 1610; T. S., LXIX, 277.

***Belgium–Denmark.** CONCILIATION, ARBITRATION AND JUDICIAL SETTLEMENT. Signed at Brussels, Mar. 3; in force from Sept. 30, 1927, for 10 years, then 5-year periods; supersedes Apr. 26, 1905 (98 B. and F. S. P., 685); Reg. No. 1542; T. S., LXVII, 117.

***Belgium–Finland.** CONCILIATION, ARBITRATION. Signed at Stockholm, Mar. 4; in force from Nov. 19, 1927, for 10 years, then 5-year periods; Reg. No. 1618; T. S., LXIX, 361.

Persia–Poland. ARBITRATION. Signed at Teheran, Mar. 19; treaty of friendship, Art. of which is

***Hungary–Italy.** CONCILIATION AND ARBITRATION. Signed at Rome, Apr. 5; in force from Aug. 8, 1927, for 10-year periods; Reg. No. 1561; T. S., LXVII, 399.

Chile–Spain. ARBITRATION UNLIMITED. Signed at Madrid, May 28; in force from Dec. 26, 1927, for 10 years, then year to year; Reg. No. 1673; T. S., LXXI, 329.

Netherlands–Sweden. CONCILIATION AND ARBITRATION. Signed at The Hague, May 21; in force from July 27, 1928, for 10-year periods; Reg. No. 1807; T. S., LXXIX, 147.

***Belgium–Portugal.** CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Brussels, July 9; in force from May 11, 1928, by 5-year periods; Reg. No. 1730; T. S., LXXIV, 39.

*Belgium–Spain. CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Brussels, July 19; in force from May 23, 1928, by 10-year periods; supersedes Jan. 23, 1905 (98 B. and F. S. P., 405); Reg. No. 1820; T. S., LXXX, 17.

Colombia–Switzerland. CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Bern, Aug. 20; in force from

Italy–Lithuania. CONCILIATION, JUDICIAL SETTLEMENT. Signed at Rome, Sept. 17; in force from Feb. 22, 1928, for 10 years, then 5-year periods; Reg. No. 1700; T. S., LXXII, 439.

Germany–Luxemburg. ARBITRATION. Signed at Sept. 19; reported as negotiated to complete Locarno agreements.

Persia–Soviet Union. PEACEFUL SETTLEMENT. Signed at Moscow, Oct. 1; guaranty and neutrality agreement, Art. V of which provides that "both contracting parties obligate themselves to settle by peaceful means most suitable in each particular case all kinds of differences which may arise between them and which can not be settled by ordinary diplomatic means"; in force from Nov. 1, 1927, for 3 years; Reg. No.

Belgium–Luxemburg. ARBITRATION, JUDICIAL SETTLEMENT. Signed at Oct. 17; reported as negotiated to complete Locarno agreements.

France–Luxemburg. CONCILIATION, ARBITRATION. Signed at Oct. 20; in force from

France–Serb–Croat–Slovene State. PACIFIC SETTLEMENT. Signed at Paris, Nov. 11, 1927; treaty of friendship, Art. 2 of which is general clause implemented by convention of even date; in force from Dec. 2, 1927, for 5 years, renewable; Reg. No. 1592; T. S., LXVIII, 373.

*France–Serb–Croat–Slovene State. CONCILIATION, ARBITRATION. Signed at Paris, Nov. 11; treaty of friendship and arbitration, Art. 2 of which is conciliation and arbitral clause, and supplementary convention of arbitration; in force from Dec. 2, 1927, for 5 years, renewable; Reg. No. 1593; T. S., LXVIII, 377, 381.

Finland–Switzerland. CONCILIATION, JUDICIAL SETTLEMENT. Signed at Bern, Nov. 16; in force from June 11, 1928, for 10 years, tacit renewal for 5-year periods; Reg. No. 1765; T. S., LXXVII, 93.

Afghanistan–Persia. ARBITRATION UNLIMITED. Signed at Teheran, Nov. 28, 1927; treaty of friendship and security, Art. 6 and protocol of which are unlimited arbitration provision; in force from for 6 years and from year to year.

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Portugal–Spain. CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Lisbon, Jan. 18; in force from May 28, 1928, for 5 years, tacit renewal by 5-year periods; abrogates convention of May 31, 1904; Reg. No. 1766; T. S., LXXVII, 105.

Germany–Lithuania. CONCILIATION, ARBITRATION. Signed at Berlin, Jan. 29; in force from for 10 years; Reg. No.

France–United States. CONCILIATION, ARBITRATION. Signed at Washington, Feb. 6; in force from Apr. 22, 1929, terminable on 1 year's notice; supersedes

convention of Feb. 27, 1908; U. S. Treaty Series No. 785; Reg. No.

France–Sweden. CONCILIATION, ARBITRATION. Signed at Paris, Mar. 3; supersedes convention of July 9, 1905; in force from

France–Netherlands. CONCILIATION, ARBITRATION. Signed at Geneva, Mar. 10; supersedes convention of Apr. 6, 1904; in force from

Denmark–Spain. CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Copenhagen, Mar. 14; in force from May 24, 1928, by 10-year periods; supersedes arbitration convention of Dec. 1, 1905; Reg. No. 1735; T. S., LXXIV, 93.

Greece–Rumania. CONCILIATION, ARBITRATION. Signed at Geneva, Mar. 22; in force from

Denmark–Haiti. PACIFIC SETTLEMENT. Signed at Washington, Apr. 5; in force from

Italy–United States. ARBITRATION. Signed at Washington, Apr. 19; in force from

Spain–Sweden. CONCILIATION, JUDICIAL SETTLEMENT, ARBITRATION. Signed at Madrid, Apr. 26; supersedes Jan. 23, 1905; in force from June 16, 1928, by 10-year periods; Reg. No. 1764; T. S., LXXVII, 77.

Germany–United States. ARBITRATION. Signed at Washington, May 5; in force from Feb. 25, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 774; Reg. No.

Germany–United States. CONCILIATION. Signed at Washington, May 5; in force from Feb. 25, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 775; Reg. No.

Italy–Turkey. CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Rome, May 30; treaty of neutrality, conciliation and judicial settlement, Art. 3 of which establishes pacific settlement; in force from for 5-year periods; Reg. No.

Finland–Spain. ARBITRATION, CONCILIATION, JUDICIAL SETTLEMENT. Signed at Helsingfors, May 31; in force from Nov. 26, 1928; Reg. No. 1874; T. S.

Finland–United States. ARBITRATION. Signed at Washington, June 7; in force from Jan. 14, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 768; Reg. No. 1958; T. S.

Finland–United States. CONCILIATION. Signed at Washington, June 7; in force from Jan. 14, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 769; Reg. No. 1959; T. S.

Finland–Netherlands. CONCILIATION. Signed at Geneva, June 9; in force from Feb. 8, 1929, for 15 years, tacitly renewable; Reg. No. 1978; T. S.

Austria–Spain. ARBITRATION. CONCILIATION, JUDICIAL SETTLEMENT. Signed at Vienna, June 11; in force from Mar. 21, 1929, for 5 years; Reg. No. 1984; T. S.

Denmark–United States. ARBITRATION. Signed at Washington, June 14; in force from Apr. 17, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 784; Reg. No. 1995; T. S.

France–Portugal. CONCILIATION, ARBITRATION. Signed at Paris, July 6; in force

Colombia–Mexico. ARBITRATION. Signed at July 11; in force from

Ethiopia–Italy. CONCILIATION, ARBITRATION. Signed at Addis Abeba, Aug. 2; treaty of friendship, Art. 5 of which is unlimited engagement on concilia-

tion and arbitration; in force from for 20 years, renewable year to year; Reg. No.

Austria–United States. ARBITRATION. Signed at Washington, Aug. 16; in force from Feb. 28, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 776; Reg. No. 1988; T. S.

Austria–United States. CONCILIATION. Signed at Washington, Aug. 16; in force from Feb. 28, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 777; Reg. No. 1989; T. S.

Czechoslovakia–United States. ARBITRATION. Signed at Washington, Aug. 16; in force from Apr. 11, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 781; Reg. No. 2018; T. S.

Czechoslovakia–United States. CONCILIATION. Signed at Washington, Aug. 16; in force from Apr. 11, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 782; Reg. No. 2017; T. S.

Poland–United States. ARBITRATION. Signed at Washington, Aug. 16; in force from

Poland–United States. CONCILIATION. Signed at Washington, Aug. 16; in force from

Finland–Italy. CONCILIATION, JUDICIAL SETTLEMENT. Signed at Helsingfors, Aug. 21; in force from April 26, 1929, for 10 years, then 5-year periods; Reg. No. 2002; T. S.

Estonia–Spain. ARBITRATION. Signed at Reval, Sept. 2; in force from

Greece–Italy. CONCILIATION, JUDICIAL SETTLEMENT. Signed at Rome, Sept. 23; treaty of friendship, conciliation and judicial settlement, Arts. 5–25 of which prescribe pacific methods; in force from

General Act. PACIFIC SETTLEMENT. Adopted at Geneva, Sept. 26; in force from Aug. 19, 1929, for Belgium and Sweden, from Sept. 9 for Norway; accessions: Czechoslovakia, Rumania and Serb-Croat-Slovene State, signed May 21, 1929; France.

Portugal–Switzerland. ARBITRATION, CONCILIATION. Signed at Bern, Oct. 17; in force from

Albania–United States. ARBITRATION. Signed at Washington, Oct. 22; in force from Feb. 13, 1929, terminable on 1 year's notice; U. S. Treaty Series, No. 770; Reg. No.

Albania–United States. CONCILIATION. Signed at Washington, Oct. 22; in force fron Feb. 13, 1929, terminable on 1 year's notice; U. S. Treaty Series, No. 771; Reg. No.

Netherlands–Siam. ARBITRATION, CONCILIATION. Signed at The Hague, Oct. 27; in force from

Sweden–United States. ARBITRATION. Signed at Washington, Oct. 27; in force from Apr. 15, 1929, terminable on 1 year's notice; U. S. Treaty Series No. 783; Reg. No.

Lithuania–United States. ARBITRATION. Signed at Washington, Nov. 14; in force from

Lithuania–United States. CONCILIATION. Signed at Washington, Nov. 14; in force from

Czechoslovakia–Spain. ARBITRATION. Signed at Prague, Nov. 17; in force from

Hungary–Poland. CONCILIATION, ARBITRATION. Signed at Warsaw, Nov. 30; in force from

Poland–Spain. ARBITRATION, JUDICIAL SETTLEMENT. Signed at Madrid, Dec. 8; in force from

Switzerland–Turkey. ARBITRATION, CONCILIATION. Signed at Angora, Dec. 11; in force from

Finland–Hungary. CONCILIATION, ARBITRATION. Signed at Dec. 12; in force from

Norway–Spain. CONCILIATION, ARBITRATION. Signed at Dec. 27; in force from

Greece–Spain. Signed at

Luxemburg–Spain. Signed at

Spain–Turkey. Signed at

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Hungary–Turkey. ARBITRATION, CONCILIATION. Signed at Budapest, Jan. 5; treaty of neutrality, conciliation and arbitration;

Bolivia–Brazil–Chile–Colombia–Costa Rica–Cuba–Dominican Republic–Ecuador–Guatemala–Haiti–Honduras–Mexico–Nicaragua–Panama–Paraguay–Peru–Salvador–United States–Uruguay–Venezuela. ARBITRATION. Signed at Washington, Jan. 5; in force from

Bolivia–Brazil–Chile–Colombia–Costa Rica–Cuba–Dominican Republic–Ecuador–Guatemala–Haiti–Honduras–Mexico–Nicaragua–Panama–Paraguay–Peru–Salvador–United States–Uruguay–Venezuela. CONCILIATION. Signed at Washington, Jan. 5; in force from ; U. S. Treaty Series No. 780.

Bulgaria–United States. ARBITRATION. Signed at Washington, Jan. 21; in force from July 22, 1929, terminable on 1 year's notice; U. S. Treaty Series No.

Bulgaria–United States. CONCILIATION. Signed at Washington, Jan. 21; in force from July 22, 1929, terminable on 1 year's notice; U. S. Treaty Series No.

Serb–Croat–Slovene State–United States. ARBITRATION. Signed at Washington, Jan. 21; in force from

Serb–Croat–Slovene State–United States. CONCILIATION. Signed at Washington, Jan. 21; in force from

Germany–Soviet Union. CONCILIATION. Signed at Moscow, Jan. 25; in force from for 3 years; Reg. No.

Ethiopia–United States. ARBITRATION. Signed at Addis Abeba, Jan. 26; in force from

Ethiopia–United States. CONCILIATION. Signed at Addis Abeba, Jan. 26; in force from

Hungary–United States. ARBITRATION. Signed at Washington, Jan. 26; in force from July 24, 1929, terminable on 1 year's notice; U. S. Treaty Series No. ; Reg. No.

Hungary–United States. CONCILIATION. Signed at Washington, Jan. 26; in force from July 24, 1929, terminable on 1 year's notice; U. S. Treaty Series No. ; Reg. No.

Germany–Persia. ARBITRATION. Signed at Teheran, Feb. 17; permanent treaty of friendship, Art. of which is general compromisory clause; in force from for 10 years; Reg. No.

Norway–United States. ARBITRATION. Signed at Washington, Feb. 20; in force from June 7, 1929, until 1 year after denunciation; U. S. Treaty Series No. 788; Reg. No. .

Netherlands–United States. ARBITRATION. Signed at Washington, Feb. 27; extending convention of May 2, 1908, until Mar. 25, 1930; in force from Apr. 25, 1929; U. S. Treaty Series No. 786; Reg. No.

Portugal–United States. ARBITRATION. Signed at Washington, March 1; in force from , terminable on 1 year's notice; U. S. Treaty Series No.

Rumania–United States. ARBITRATION. Signed at Washington, March 1; in force from July 22, 1929, terminable on 1 year's notice; U. S. Treaty Series No.

Rumania–United States. CONCILIATION. Signed at Washington, March 1; in force from July 22, 1929, terminable on 1 year's notice; U. S. Treaty Series No.

Bulgaria–Turkey. ARBITRATION, CONCILIATION, JUDICIAL SETTLEMENT. Signed at Angora, Mar. 6; treaty of neutrality, conciliation, arbitration and judicial settlement; in force from

Belgium–United States. ARBITRATION. Signed at Washington, March 20; in force from , terminable on 1 year's notice; U. S. Treaty Series No.

Belgium–United States. CONCILIATION. Signed at Washington, March 20; in force from , terminable on 1 year's notice; U. S. Treaty Series No.

Greece–Serb–Croat–Slovene State. CONCILIATION, ARBITRATION, JUDICIAL SETTLEMENT. Signed at Belgrad, Mar. 27; treaty of friendship, Arts. 3– of which provide for conciliation, arbitration, and judicial settlement; in force from for 5-year periods.

Luxemburg–United States. ARBITRATION. Signed at Luxemburg, April 6; in force from , terminable on 1 year's notice; U. S. Treaty Series No.

Luxemburg–United States. CONCILIATION. Signed at Luxemburg, April 6; in force from , terminable on 1 year's notice; U. S. Treaty Series No.

Belgium–Czechoslovakia. CONCILIATION, ARBITRATION. Signed at Prague, Apr. 23; in force from

Germany–Turkey. ARBITRATION. Signed at Constantinople, May 16; in force from

France–Persia. ARBITRATION. Signed at Teheran, May 14; treaty of perpetual friendship and arbitration; in force from

Belgium–Persia. ARBITRATION. Signed at Teheran, May 23; treaty of friendship and arbitration, Arts. of which are arbitral clauses; in force from

Czechoslovakia–Greece. CONCILIATION, ARBITRATION. Signed at Prague, June 8; in force from

Belgium–Greece. ARBITRATION. Signed at Athens, June 26; in force from

France–Spain. CONCILIATION, ARBITRATION. Signed at Paris, July 10; in force from

Bulgaria–Hungary. CONCILIATION, ARBITRATION. Signed at Budapest, July 22; in force from for 5 years; Reg. No.

CHRONOLOGICAL SUMMARY

1828	1	1905	13
1829	1	1906	1
1842	1	1907	3
1848	1	1908	3
1856	1	1909	23
1863	1	1910	8
1868	1	1911	9
1870	1	1912	3
1873	1	1913	7
1874	2	1914	22
1876	1	1915	3
1880	1	1916	2
1882	1	1917	2
1883	4	1918	7
1884	1	1919	3
1887	1	1920	1
1888	2	1921	4
1890	2	1922	1
1893	1	1923	8
1894	2	1924	18
1895	4	1925	27
1897	1	1926	35
1899	3	1927	20
1901	1	1928	48
1902	9	1929	32
1903	1		
1904	12		361

SUMMARY BY COUNTRIES

NOTE. — The subjoined indexical list aims to present a conspectus of pacific settlement engagements in force, or presumably to come into force, on July 1, 1929. The main list by countries includes bilateral treaties only with the exception of the treaty of January 17, 1925, between Estonia, Finland, Latvia and Poland.

To translate multilateral treaties into equivalents of bilateral engagements would make the list unduly lengthy and duplicative. A series of notes and typographical signs indicates participation in the principal multilateral treaties. The following special signs are used:

* Member of the League of Nations;

° Party to the treaty for renunciation of war (see p. 77 for details);

† Contracting party to the Statute of the Permanent Court of International Justice;

‡ Contracting party to the Statute of the Permanent Court of International Justice and to the Optional Clause.

To show the extent to which pacific settlement is multiplied by multilateral engagements, the following equivalents in bilateral treaties of the several treaties annotated to the list are given:

	Bilateral Treaty Equivalents	
	Ratified	Including Expected Ratifications
The Covenant of the League (54 members) .	1,481	1,481
Treaty for renunciation of war (in force for 46 states, pending for 16)	1,035	1,891
Permanent Court of International Justice (42 ratifications, 10 signatories additional) .	861	1,326
Optional Clause (binding for 17 states, 12 acceptances)	136	406
Treaty to prevent or avoid American conflicts (16 ratifications)	120	120
Central American Commission of Inquiry (5 ratifications)	10	10
	3,743	5,234

° **Afghanistan** (2) — Persia (1921, 1927).

* ° † **Albania** (3) — Italy (1926); United States (1928, 1928).

* **Argentina** (16) — Bolivia (1902, 1921); Brazil (1828, 1905); Chile (1902); Colombia (1912); Ecuador 1911); France (1914); Italy (1907); Paraguay (1876, 1899); Peru (1874); Spain (1916); Switzerland (1924); Uruguay (1899); Venezuela (1911).

* ° † **Australia** — See Great Britain (British Empire).

* ° ‡ **Austria** (10) — Czechoslovakia (1926); Hungary (1923); Poland (1923, 1926); Serb-Croat-Slovene State (1926); Spain (1928); Sweden (1926); Switzerland (1924); United States (1928, 1928).

* ° ‡ **Belgium**[1] (22) — Czechoslovakia (1929); Denmark (1927); Ecuador (1887); Finland (1927); Germany (1925); Greece (1905, 1929); Italy (1910); Luxemburg (1927); Nicaragua (1906); Norway (1904); Persia (1929); Portugal (1927); Rumania (1905); Russia (1904); Spain (1927); Sweden (1926); Switzerland (1925, 1927); United States (1929, 1929); Venezuela (1884).

* ° † **Bolivia** (13) — Argentina (1902, 1921); Brazil (1909); Colombia (1918); Italy (1911); Peru (1863, 1873, 1901, 1918); Spain (1902); United States (1914); Uruguay (1917); Venezuela (1919).

† **Brazil**[2] (32) — Argentina (1828, 1905); Bolivia (1909); Chile (1899); China (1909); Colombia (1918); Costa Rica (1909); Cuba (1909); Denmark (1911); Dominican Republic (1910); Ecuador (1909); France (1909); Great Britain (1909, 1919); Haiti (1910); Honduras (1909); Italy (1911); Mexico (1909); Norway (1909); Panama (1909); Paraguay (1911); Peru (1909, 1918); Portugal (1909); Russia (1910); Salvador (1909); Spain (1909); Sweden (1909); Switzerland (1924); United States (1914); Uruguay (1916); Venezuela (1909).

* ° † **British Empire.** See Great Britain.

* ° ‡ **Bulgaria** (4) — Hungary (1929); Turkey (1929); United States (1929, 1929).

* ° † **Canada**. See Great Britain (British Empire).

[1] The General Act for the Pacific Settlement of International Disputes, adopted by the Ninth Assembly of the League of Nations, September 26, 1928, acceded to and in force.

[2] The treaty to avoid or prevent conflicts between the American states (Gondra treaty), signed at Santiago, May 3, 1923, ratified and in force.

* ° † **Chile**[1] (8) — Argentina (1902); Brazil (1899); Italy (1913, 1927); Spain (1927); Sweden (1920); United States (1914); Uruguay (1915).

* ° † **China** (3) — Brazil (1909); Netherlands (1915); United States (1914).

* ° † **Colombia** (14) — Argentina (1912); Bolivia (1918); Ecuador (1856, 1905); Mexico (1928); Peru (1829, 1870, 1905); Salvador (1880); Spain (1894, 1902); Switzerland (1927); Uruguay (1918); Venezuela (1842).

° † **Costa Rica**[2] (7) — Brazil (1909); Guatemala (1895); Honduras (1895); Italy (1910); Nicaragua (1868); Salvador (1895); United States (1914).

* ° † **Cuba**[1] (2) — Brazil (1909); Italy (1903).

* ° † **Czechoslovakia**[3] (12) — Austria (1921, 1926); Belgium (1929); Denmark (1926); France (1924); Germany (1925); Greece (1929); Poland (1925); Spain (1928); Sweden (1926); United States (1928, 1928).

* ° ‡ **Denmark** (24) — Belgium (1927); Brazil (1911); Czechoslovakia (1926); Estonia (1926); Finland (1924, 1926); France (1926); Germany (1926); Great Britain (1905); Haiti (1928); Italy (1905); Lithuania (1926); Netherlands (1904); Norway (1924, 1926); Poland (1926); Portugal (1907); Siam (1925); Spain (1928); Sweden (1924, 1926); Switzerland (1924); United States (1914, 1928).

* ° † **Dominican Republic**[1] (2) — Brazil (1910); Spain (1902).

° **Ecuador**[1] (12) — Argentina (1911); Belgium (1887); Brazil (1909); Colombia (1856, 1905); Italy (1911); Salvador (1890); Spain (1888); Switzerland (1888); United States (1909, 1914); Venezuela (1921).

° **Egypt** (0).

* ° ‡ **Estonia** (8) — Denmark (1926); Finland (1925); Germany (1925); Latvia (1923, 1925); Poland (1925); Spain (1928); Sweden (1925).

* ° ‡ **Ethiopia** (3) — Italy (1928); United States (1929, 1929).

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[2] The convention for the establishment of international commissions of inquiry, signed at the conference on Central American affairs, Washington, February 7, 1923, ratified and in force.

[3] The General Act for the Pacific Settlement of International Disputes, adopted by the Ninth Assembly of the League of Nations, September 26, 1928, acceded to and in force.

* ° ‡ **Finland** (18) — Belgium (1927); Denmark (1924, 1926); Estonia (1925); Germany (1925); Hungary (1928); Italy (1928); Latvia (1925); Netherlands (1928); Norway (1924, 1926); Poland (1925); Spain (1928); Sweden (1924, 1926); Switzerland (1927); United States (1928, 1928).

* ° † **France** (21) — Argentina (1914); Brazil (1909); Czechoslovakia (1924); Denmark (1926); Germany (1925); Luxemburg (1927); Netherlands (1928); Persia (1929); Portugal (1928); Rumania (1926, 1926); Serb-Croat-Slovene State (1927, 1927); Siam (1925); Spain (1929); Sweden (1928); Switzerland (1925); Turkey (1926); United States (1914, 1928); Uruguay (1918).

* ° ‡ **Germany** (19) — Belgium (1925); Czechoslovakia (1925); Denmark (1926); Estonia (1925); Finland (1925); France (1925); Italy (1926); Lithuania (1928); Luxemburg (1927); Netherlands (1926); Persia (1929); Poland (1925); Soviet Union (1926, 1929); Sweden (1924); Switzerland (1921); Turkey (1929); United States (1928, 1928).

* ° † **Great Britain** (11) — Brazil (1909, 1919); Denmark (1905); Iceland (1922); Netherlands (1905); Norway (1904); Portugal (1904); Siam (1925); Sweden (1904); United States (1914); Uruguay (1918).

* ° † **Greece** (9) — Belgium (1905, 1929); Czechoslovakia (1929); Italy (1928); Rumania (1929); Serb-Croat-Slovene State (1929); Spain (1909, 1928); Switzerland (1925).

* ° † **Guatemala**[1] (7) — Costa Rica (1895); Honduras (1895); Italy (1913); Nicaragua (1874); Salvador (1890); Spain (1902); United States (1913).

* ° ‡ **Haiti**[2] (3) — Brazil (1910); Denmark (1928); United States (1909).

* ° **Honduras**[1] (8) — Brazil (1909); Costa Rica (1895); Guatemala (1895); Italy (1913); Mexico (1907); Spain (1894, 1905); United States (1913).

* ° ‡ **Hungary** (9) — Austria (1923); Bulgaria (1929); Finland (1928); Italy (1927); Poland (1928); Switzerland (1924); Turkey (1929); United States (1929, 1929).

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° **Iceland** (1) — Great Britain (1922).

* ° † **India.** See Great Britain (British Empire).

* ° † **Irish Free State.** See Great Britain (British Empire).

* ° † **Italy** (35) — Albania (1926); Argentina (1907); Belgium (1910); Bolivia (1911); Brazil (1911); Chile (1913, 1927); Costa Rica (1910); Cuba (1903); Denmark (1905); Ecuador (1911); Ethiopia (1928); Finland (1928); Germany (1926); Greece (1928); Guatemala (1913); Honduras (1913); Hungary (1927); Lithuania (1927); Mexico (1907); Netherlands (1909); Norway (1910); Paraguay (1911); Peru (1905); Portugal (1905); Rumania (1926); Russia (1910); Siam (1925); Spain (1926); Sweden (1911); Switzerland (1924); Turkey (1928); United States (1914, 1928); Uruguay (1914).

* ° † **Japan** (1) — Switzerland (1924).

* ° † **Latvia** (6) — Estonia (1923, 1925); Finland (1925); Lithuania (1925); Poland (1925); Sweden (1925).

* ° † **Liberia** (1) — United States (1926).

* ° † **Lithuania** (8) — Denmark (1926); Germany (1928); Italy (1927); Latvia (1925); Soviet Union (1926); Sweden (1925); United States (1928, 1928).

* ° † **Luxemburg** (6) — Belgium (1927); France (1927); Germany (1927); Spain (1928); United States (1929, 1929).

° **Mexico**[1] (8) — Brazil (1909); Colombia (1928); Honduras (1907); Italy (1907); Persia (1902); Salvador (1893); Spain (1902); United States (1848).

* ° ‡ **Netherlands** (13) — China (1915); Denmark (1904); Finland (1928); France (1928); Germany (1926); Great Britain (1905); Italy (1909); Portugal (1904); Siam (1928); Sweden (1927); Switzerland (1925); United States (1913, 1929).

* ° † **New Zealand.** See Great Britain (British Empire).

* ° **Nicaragua**[2] (6) — Belgium (1906); Costa Rica (1868); Guatemala (1874); Portugal (1909); Salvador (1883); Spain (1904).

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[2] The convention for the establishment of international commissions of inquiry, signed at the conference on Central American affairs, Washington, February 7, 1923, ratified and in force.

* ° ‡ **Norway**[1] (19) — Belgium (1904); Brazil (1909); Denmark (1924, 1926); Finland (1924, 1926); Great Britain (1904); Italy (1910); Portugal (1907); Russia (1904); Siam (1925); Spain (1905, 1928); Sweden (1924, 1925); Switzerland (1904, 1925); United States (1914, 1929).

* ° ‡ **Panama**[2] (3) — Brazil (1909); Portugal (1914); Spain (1912).

* ° † **Paraguay**[2] (8) — Argentina (1876, 1899); Brazil (1911); Italy (1911); Spain (1915); United States (1914); Uruguay (1883, 1918).

* ° † **Persia** (9) — Afghanistan (1921, 1927); Belgium (1929); France (1929); Germany (1929); Mexico (1902); Poland (1927); Soviet Union (1927); Turkey (1926).

* ° **Peru**[2] (16) — Argentina (1874); Bolivia (1863, 1873, 1901, 1918); Brazil (1909, 1918); Colombia (1829, 1870, 1905); Italy (1905); Spain (1897); United States (1914); Uruguay (1917); Venezuela (1912, 1923).

* ° † **Poland** (17) — Austria (1923, 1926); Czechoslovakia (1925); Denmark (1926); Estonia (1925); Finland (1925); Germany (1925); Hungary (1928); Latvia (1925); Persia (1927); Rumania (1926); Serb-Croat-Slovene State (1926); Spain (1928); Sweden (1925); Switzerland (1925); United States (1928, 1928).

* ° ‡ **Portugal** (17) — Belgium (1927); Brazil (1909); Denmark (1907); France (1928); Great Britain (1904); Italy (1905); Netherlands (1904); Nicaragua (1909); Norway (1907); Panama (1914); Siam (1925); Spain (1928); Sweden (1913); Switzerland (1905, 1928); United States (1914, 1929).

* ° † **Rumania**[1] (9) — Belgium (1905); France (1926, 1926); Greece (1928); Italy (1926); Poland (1926); Switzerland (1926); United States (1929, 1929).

Russia (7) — Belgium (1904); Brazil (1910); Italy (1910); Norway (1904); Spain (1910); Sweden (1904); United States (1914). See also Soviet Union.

[1] The General Act for the Pacific Settlement of International Disputes, adopted by the Ninth Assembly of the League of Nations, September 26, 1928, acceded to and in force.

[2] The treaty to avoid or prevent conflicts between the American states (Gondra treaty), signed at Santiago, May 3, 1923, ratified and in force.

* ° † **Salvador**[1] (11) — Brazil (1909); Colombia (1880); Costa Rica (1895); Ecuador (1890); Guatemala (1890); Mexico (1893); Nicaragua (1883); Spain (1902); Switzerland (1883); Uruguay (1924); Venezuela (1883).

* ° † **Serb-Croat-Slovene State**[2] (7) — Austria (1926); France (1927, 1927); Greece (1929); Poland (1926); United States (1929, 1929).

* ° † **Siam** (9) — Denmark (1925); France (1925); Great Britain (1925); Italy (1925); Netherlands (1928); Norway (1925); Portugal (1925); Spain (1925); Sweden (1925).

* ° † **South Africa.** See Great Britain (British Empire).

° **Soviet Union** (4) — Germany (1926, 1929); Lithuania (1926); Persia (1927). See also Russia.

* ° ‡ **Spain** (40) — Argentina (1916); Austria (1928); Belgium (1927); Bolivia (1902); Brazil (1909); Chile (1927); Colombia (1894, 1902); Czechoslovakia (1928); Denmark (1928); Dominican Republic (1902); Ecuador (1888); Estonia (1928); Finland (1928); France (1929); Greece (1909, 1928); Guatemala (1902); Honduras (1894, 1905); Italy (1926); Luxemburg (1928); Mexico (1902); Nicaragua (1904); Norway (1905, 1928); Panama (1912); Paraguay (1915); Peru (1897); Poland (1928); Portugal (1928); Russia (1910); Salvador (1902); Siam (1925); Sweden (1928); Switzerland (1926); Turkey (1928); United States (1914); Uruguay (1922); Venezuela (1882).

* ° ‡ **Sweden**[2] (30) — Austria (1926); Belgium (1926); Brazil (1909); Chile (1920); Czechoslovakia (1926); Denmark (1924, 1926); Estonia (1925); Finland (1924, 1926); France (1928); Germany (1924); Great Britain (1904); Italy (1911); Latvia (1925); Lithuania (1925); Netherlands (1927); Norway (1924, 1925); Poland (1925); Portugal (1913); Russia (1904); Siam (1925); Spain (1928); Switzerland (1904, 1924); United States (1914, 1924, 1928); Uruguay (1923).

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[2] The General Act for the Pacific Settlement of International Disputes, adopted by the Ninth Assembly of the League of Nations, September 26, 1928, acceded to and in force.

* ° ‡ **Switzerland** (28) — Argentina (1924); Austria (1924); Belgium (1925, 1927); Brazil (1924); Colombia (1927); Denmark (1924); Ecuador (1888); Finland (1927); France (1925); Germany (1921); Greece (1925); Hungary (1924); Italy (1924); Japan (1924); Netherlands (1925); Norway (1904, 1925); Poland (1925); Portugal (1905, 1928); Rumania (1926); Salvador (1883); Spain (1926); Sweden (1904, 1924); Turkey (1925, 1928).

° **Turkey** (9) — Bulgaria (1929); France (1926); Germany (1929); Hungary (1929); Italy (1928); Persia (1926); Spain (1928); Switzerland (1925, 1928).

° **United States**[1] (61) — Albania (1928, 1928); Austria (1928, 1928); Belgium (1929, 1929); Bolivia (1914); Brazil (1914); Bulgaria (1929, 1929); Chile (1914); China (1914); Costa Rica (1914); Czechoslovakia (1928, 1928); Denmark (1914, 1928); Ecuador (1909, 1914); Ethiopia (1929, 1929); Finland (1928, 1928); France (1914, 1928); Germany (1928, 1928); Great Britain (1914); Guatemala (1913); Haiti (1909); Honduras (1913); Hungary (1929, 1929); Italy (1914, 1928); Liberia (1926); Lithuania (1928, 1928); Mexico (1848); Netherlands (1913, 1929); Norway (1914, 1929); Paraguay (1914); Peru (1914); Poland (1928, 1928); Portugal (1914, 1929); Rumania (1929, 1929); Russia (1914); Serb-Croat-Slovene State (1929, 1929); Spain (1914); Sweden (1914, 1924, 1928); Uruguay (1909, 1914); Venezuela (1914).

* ° ‡ **Uruguay**[2] (17) — Argentina (1899); Bolivia (1917); Brazil (1916); Chile (1915); Colombia (1918); France (1918); Great Britain (1918); Italy (1914); Paraguay (1883, 1918); Peru (1917); Salvador (1924); Spain (1922); Sweden (1923); United States (1909, 1914); Venezuela (1923).

* ° † **Venezuela**[2] (12) — Argentina (1911); Belgium (1884); Bolivia (1919); Brazil (1909); Colombia (1842); Ecuador (1921); Peru (1912, 1923); Salvador (1883); Spain (1882); United States (1914); Uruguay (1923).

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